S. Hrg. 102-267

# MISCELLANEOUS NATIONAL PARK AND BUREAU OF LAND MANAGEMENT MEASURES

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## HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

S. 52 AND H.R. 1143; S. 550; S. 638 AND H.R. 749;
S. 639 AND H.R. 904; S. 663; S. 749; S. 996;
H.R. 427; AND H.R. 690

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MAY 21, 1991

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# CONTENTS

Page

S. 52 ..... 3

H.R. 1143 ..... 6

S. 550 ..... 9

S. 638 ..... 13

H.R. 749 ..... 15

S. 639 ..... 17

H.R. 904 ..... 20

S. 663 ..... 23

S. 749 ..... 25

S. 996 ..... 29

H.R. 427 ..... 32

H.R. 690 ..... 38

## STATEMENTS

Bumpers, Hon. Dale, U.S. Senator from Arkansas ..... 1

Craig, Hon. Larry E., U.S. Senator from Idaho, on:
  S. 550 ..... 60
  S. 663 ..... 105

Lewis, Hon. John, U.S. Representative from Georgia ..... 85

Metzenbaum, Hon. Howrd M., U.S. Senator from Ohio ..... 67

Michel, Mark, president, the Archaeological Conservancy, Santa Fe, NM ..... 91

Penfold, Michael, Assistant Director, Land and Renewable Resources, Bureau of Land Management, Department of the Interior, on:
  H.R. 427 ..... 44
  S. 663 ..... 46

Rogers, Jerry L., Associate Director, Cultural Resources, National Park Service, Department of the Interior, on:
  S. 52 ..... 48
  H.R. 1143 ..... 48
  S. 550 ..... 50
  S. 638 ..... 61
  H.R. 749 ..... 61
  S. 639 ..... 63
  H.R. 904 ..... 63
  S. 749 ..... 65
  S. 996 ..... 72
  H.R. 690 ..... 87

## APPENDIXES

### Appendix I

Responses to additional questions ..... 113

### Appendix II

Additional material submitted for the record ..... 117

# MISCELLANEOUS NATIONAL PARK AND BUREAU OF LAND MANAGEMENT MEASURES

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TUESDAY, MAY 21, 1991

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:02 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

## OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The purpose of today's hearing is to receive testimony on several bills pending before the subcommittee. These are either bills that the subcommittee reported favorably last year, but for various reasons did not get enacted, or else are noncontroversial measures.

Before we begin, I would like to briefly comment on one of the bills before the subcommittee today, S. 996, which I introduced earlier this month. This bill directs the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River retained by Harold and Margaret Hedges of Harrison. This is a straightforward bill which provides for a simple, fair solution, to a very unfortunate problem.

In 1979 the National Park Service purchased Mr. and Mrs. Hedges' home and 711 acres of land for addition to the Buffalo National River. At the time of the purchase, the Hedges exercised an option to retain a 25-year reservation of use and occupancy to continue to live in their home and to use 45 acres of land for agricultural purposes. The purchase price paid to the Hedges was discounted by $19,000 to reflect this use.

On January 1, 1991, the Hedges' home was completely destroyed by an arson-caused fire. Although under the terms of the reservation of use and occupancy the Hedges could continue to live on the property until the year 2004, in order to do so, they would, obviously, have to rebuild the house at their own expense. Since their property is located within a segment of the park designated as potential wilderness and any structure would likely be destroyed at the end of the reservation, the most practical solution for both the Hedges and the National Park Service is to allow for the reservation to be terminated with an appropriate refund of the remaining unused term to the Hedges.

S. 996 simply directs the Park Service to terminate the reservation and to refund to the Hedges on a pro rata basis the unused portion of the reservation fee.

Since they are not going to be living on the property for the remaining term of their reservation, I believe the only fair resolution is to provide for the termination of the reservation and to provide that they not be charged for the unused portion of it.

I would like to remind the witnesses today to please summarize your testimony and to please limit your oral remarks to no more than 5 minutes. Your entire written statement will be inserted in the record.

I ask unanimous consent that a copy of each bill on the hearing be printed in the hearing record.

[The texts of the bills follow:]

II

102D CONGRESS
1ST SESSION

# S. 52

To direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history.

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IN THE SENATE OF THE UNITED STATES

JANUARY 14 (legislative day, JANUARY 3), 1991

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. THEME STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on American labor history (referred to as the "theme study").

(b) PURPOSE.—The purpose of the theme study shall be to identify the key sites in American labor history including the history of workers and their work organizing, unions, and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history.

(c) NOMINATION OF LANDMARKS.—In the theme study the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety.

(d) LIST OF POSSIBLE SITES.—On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of American labor history; and

(2) prepare a list, in order of importance or merit, of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

**SEC. 2. CONSULTATION.**

The Secretary shall prepare the theme study in consultation with the Secretary of Labor and with workers, workers' representatives, scholars of labor history, and historic preservationists.

## SEC. 3. COOPERATIVE AGREEMENT.

(a) In General.—The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with scholarly standards that are generally acceptable in the scholarly community.

(b) Qualifications.—The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of American labor history; and

(2) recognized in the scholarly community as adhering to scholarly standards that are generally acceptable in the scholarly community.

## SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $250,000 to carry out this Act.

○

102D CONGRESS
1ST SESSION

# H. R. 1143

II

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IN THE SENATE OF THE UNITED STATES

MAY 8 (legislative day, APRIL 25), 1991

Received; read twice and referred to the Committee on Energy and Natural Resources

---

# AN ACT

To authorize a study of nationally significant places in American labor history.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. THEME STUDY.

Within 3 years after enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a National Historic Landmark Theme Study on American Labor History (hereafter in this Act referred to as the "Theme Study"). The Theme Study shall be prepared in consultation with the Secretary of Labor and pursuant to the guidelines prepared under section 2. The purpose of the Theme Study shall be to identify the key sites in American labor history, including the history of workers and their work, of organizing, unions and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history. The Theme Study shall identify, evaluate, and nominate as national historic landmarks those districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety. On the basis of the Theme Study, the Secretary shall identify possible new park units appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites. The list shall include a discussion of the feasibility and suitability of such sites.

### SEC. 2. CONSULTATION.

The Secretary shall consult with workers, workers' representatives, scholars of labor history, and historic preservationists for technical assistance and for the preparation of guidelines for the Theme Study.

### SEC. 3. COOPFRATIVE AGREEMENTS.

The Secretary shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American labor history to prepare the Theme Study and ensure that the Theme Study meets scholarly standards.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated $250,000 to carry out this Act.

Passed the House of Representatives May 7, 1991.

Attest: DONNALD K. ANDERSON,
*Clerk.*

102D CONGRESS
1ST SESSION

# S. 550

To amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 5 (legislative day, FEBRUARY 6), 1991

Mr. CRAIG (for himself, Mr. HATFIELD, Mr. BURNS, Mr. ADAMS, and Mr. SYMMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 1 of the Act entitled "An Act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes", approved May 15, 1965, (79 Stat. 110) as amended (hereinafter referred to as "the Act") is amended by inserting after "the Nez Perce Country of Idaho" the words "and in the States of Oregon, Washington, Montana, and Wyoming".

SEC. 2. Section 2 of the Act is amended by adding at the end the following new sentence: "Sites to be so designated shall include the following sites as described in the 1989 National Park Service draft "Nez Perce National Historical Park Additions Study": Tolo Lake, Idaho; Looking Glass' 1877 Campsite, Idaho; Buffalo Eddy, Washington and Idaho; Traditional Crossing Near Doug Bar, Oregon and Idaho; Camas Meadows Battle Sites, Idaho; Joseph Canyon Viewpoint, Oregon; Old Chief Joseph's Gravesite and Cemetery, Oregon (limited to the portion that is, on the date of enactment of this Act, owned by the United States or held in trust by the United States for the Umatilla and Nez Perce tribes); Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon; Burial Site of Chief Joseph the Younger, Washington; and Nez Perce Campsites, Washington; Big Hole National Battleground, Montana; Bear's Paw Battleground, Montana; and Canyon Creek, Montana."

SEC. 3. (a) Section 3 of the Act is amended by replacing the colon in the first sentence with a period and striking the remainder of the sentence and by adding the following new sentence at the end thereof: "Lands and interests therein owned by a State or local political subdivision may be acquired only by donation or exchange and private lands or interests therein may be purchased only on a willing seller basis.".

(b) Section 4(a) of the Act is amended by striking the third sentence.

(c) Section 6(a) of the Act is amended by striking the words "State of Idaho, its" and inserting in lieu thereof the words "States of Idaho, Oregon, Washington, or Wyoming, their".

(d) Section 6 of the Act is amended by adding at the end a new Subsection, "(c) in order to ensure the cultural and historical accuracy of the interpretation sites of the Nez Perce country, the Secretary shall consult with officials of the Nez Perce tribe."

SEC. 4. Section 7 of the Act is amended by striking the number "$630,000" and inserting "$2,130,000" in lieu thereof, and by striking the number "$4,100,000" and inserting the number "$9,300,000" in lieu thereof.

SEC. 5. Section 5 of the Act is amended by adding the following subsections (b) and (c) at the end thereof:

"(b) The individual and separate Federal components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which it is located.

"(c) Cooperative agreements for the individual and separate State and private components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which it is located.

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II

102D CONGRESS
1ST SESSION

# S. 638

To authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

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IN THE SENATE OF THE UNITED STATES

MARCH 13 (legislative day, FEBRUARY 6), 1991

Mr. FOWLER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ACCEPTANCE AND ADMINISTRATION OF LAND.

(a) ACCEPTANCE OF LAND.—The Secretary of the Interior may accept the donation of all right, title, and interest in and to the land described in section 2 from the owners of that land.

(b) ADMINISTRATION OF LAND.—The land acquired by the United States under this section shall be added to, and administered as part of, the Ocmulgee National Monument.

**SEC. 2. DESCRIPTION OF LAND.**

The land referred to in section 1 is the approximately 18.6 acre parcel of land known as Drake Field and located adjacent to the Ocmulgee National Monument in the city of Macon, Georgia.

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II

102D CONGRESS
1ST SESSION

# H. R. 749

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IN THE SENATE OF THE UNITED STATES

APRIL 25, 1991

Received; read twice and referred to the Committee on Energy and Natural Resources

---

# AN ACT

To authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ACCEPTANCE AND ADMINISTRATION OF LAND.

(a) ACCEPTANCE OF LAND.—The Secretary of the Interior may accept the donation of all right, title, and interest in and to the land described in section 2 from the owners of that land.

(b) ADMINISTRATION OF LAND.—The land acquired by the United States under this section shall be added to, and administered as part of, the Ocmulgee National Monument.

**SEC. 2. DESCRIPTION OF LAND.**

The land referred to in section 1 is the approximately 18.6 acre parcel of land known as Drake Field and located adjacent to the Ocmulgee National Monument in the City of Macon, Georgia.

Passed the House of Representatives April 24, 1991.

Attest: DONNALD K. ANDERSON,

*Clerk.*

II

102D CONGRESS
1ST SESSION

# S. 639

To direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history.

---

IN THE SENATE OF THE UNITED STATES

MARCH 13 (legislative day, FEBRUARY 6), 1991

Mr. FOWLER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the "African American History Landmark Theme Study Act".

### SEC. 2. THEME STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on African American history (referred to as the "theme study").

(b) PURPOSE OF STUDY.—The purpose of the theme study shall be to identify the key sites in the history and experience of Americans who trace their origins to Africa so that all Americans will gain a better understanding of American history.

(c) NATIONAL HISTORIC LANDMARKS.—In the theme study the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, structures, and landscapes that illustrate or commemorate African American history.

(d) NATIONAL PARKS.—On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of African American history; and

(2) prepare a list of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

**SEC. 3. CONSULTATION.**

The Secretary shall prepare the theme study in consultation with scholars of African American history and historic preservationists.

**SEC. 4. COOPERATIVE AGREEMENT.**

(a) IN GENERAL.—The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

(b) QUALIFICATIONS.—The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of African American history; and

(2) recognized in the scholarly community as adhering to generally accepted scholarly standards.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated $500,000 to carry out this Act.

○

II

102D CONGRESS
1ST SESSION

# H. R. 904

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IN THE SENATE OF THE UNITED STATES

MAY 8 (legislative day, APRIL 25), 1991

Received; read twice and referred to the Committee on Energy and Natural Resources

---

# AN ACT

To direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "African American History Landmark Theme Study Act".

**SEC. 2. THEME STUDY.**

(a) Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on African American history (hereafter in this Act referred to as the "theme study").

(b) The purpose of the theme study shall be to identify the key sites in the history and experience of those Americans who trace their origins to Africa so that all Americans will gain better understanding of American history.

(c) In the theme study, the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures and landscapes that illustrate or commemorate African American history.

(d) On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of African American history; and

(2) prepare a list of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

## SEC. 3. CONSULTATION.

The Secretary shall prepare the theme study in consultation with scholars of African American history and historic preservationists.

## SEC. 4. COOPERATIVE AGREEMENT.

(a) The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

(b) The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of African American history; and

(2) recognized in the scholarly community as adhering to generally accepted scholarly standards.

## SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 to carry out this Act.

Passed the House of Representatives May 7, 1991.

Attest: DONNALD K. ANDERSON,
*Clerk.*

II

102D CONGRESS
1ST SESSION

# S. 663

To amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MARCH 14 (legislative day, FEBRUARY 6), 1991

Mr. CRAIG (for himself and Mr. SYMMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSES.

(a) MODIFICATION.—The first section of the Act entitled "An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply", approved May 12, 1920 (41

Stat. 596), is amended by striking "city:" and inserting "city, for use for the construction and operation of a correctional facility for women, or for use for other public purposes by said city or by any governmental entity to whom said city may convey the lands for use for public purposes:".

(b) AMENDMENT OF PATENTS.—On request by the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 12, 1920, to conform to the amendment made by subsection (a).

## SEC. 2. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596), is amended by striking "of each year".

O

II

102D CONGRESS
1ST SESSION

# S. 749

To rename and expand the boundaries of the Mound City Group National Monument in Ohio.

---

IN THE SENATE OF THE UNITED STATES

MARCH 21 (legislative day, FEBRUARY 6), 1991

Mr. METZENBAUM introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To rename and expand the boundaries of the Mound City Group National Monument in Ohio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96–607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

**SEC. 2. EXPANSION OF BOUNDARIES.**

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353–80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353–80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353–80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353–80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park except to the extent that an adjustment would cause the total acreage of the park to exceed by more than 10 percent the total acreage of the park as of the date of enactment of this Act.

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands ~~and~~ interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

### SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

### SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and any conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

O

II

102D CONGRESS
1ST SESSION

# S. 996

To authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River; and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 7 (legislative day, APRIL 25), 1991

Mr. BUMPERS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of twenty-five years for use of their home and approximately forty-two acres of adjacent land;

(3) on January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupancy reservation, with an appropriate refund of the unused portion of the value of the reservation.

### SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including tracts 66–104, 66–111, and 66–112, executed on October 25, 1979, and valued at $19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

## SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) IN GENERAL.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) REFUND.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rate basis.

## SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

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II

102D CONGRESS
1ST SESSION

# H. R. 427

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IN THE SENATE OF THE UNITED STATES

APRIL 25, 1991

Received; read twice and referred to the Committee on Energy and Natural Resources

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# AN ACT

To disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 23, 1921 (42 Stat. 173), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands compromising a military reservation at San Juan Island, in San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior pursuant to section 2 of this Act.

(3) The term "university" means the University of Washington.

(4) The term "the Secretary" means the Secretary of the Interior.

(5) The term "occupants" means the parties who on January 3, 1991, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

## SEC. 2 SURVEY PLAT.

Within one year after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of the lands granted to the State by the 1921 Act, and shall prepare a survey plat detailing those portions of the land granted to the State that have been encroached upon: *Provided*, That not more than 50 per centum of the cost of such survey shall be paid by the Federal Government.

## SEC. 3. EXEMPTION, DISCLAIMER, AND CONDITIONS.

(a) Subject to the limitation in subsection (c), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

(b) Subject to the limitations of subsection (c), the United States hereby disclaims all right, title and interest in the encroached lands and, effective one year after the survey plat is prepared pursuant to section 2, all right, title, and interest of the United States in such lands shall vest in the University.

(c)(1) Subsections (a) and (b) of this section shall not take effect unless, within six months after the date of enactment of this Act the University and the State have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to in section 2 as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupants; and

(B) to reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by section 2, and also to pay the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some of all of the encroached lands to any of the occupants in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriations, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

### SEC. 4. AVAILABILITY OF SURVEY PLAT.

The survey plat referred to in section 2 shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

### SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

"SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement, thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended.".

Passed the House of Representatives April 24, 1991.

Attest: DONNALD K. ANDERSON,

*Clerk.*

II

102D CONGRESS
1ST SESSION

# H. R. 690

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IN THE SENATE OF THE UNITED STATES

APRIL 25, 1991

Received; read twice and referred to the Committees on Energy and Natural Resources

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# AN ACT

To authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PURPOSES.**

The purposes of this Act are to—

(1) preserve and interpret the life and work of Mary McLeod Bethune;

(2) preserve and interpret the history, lives, and contributions of African American women; and

(3) preserve and interpret the struggle for civil rights in the United States of America.

## SEC. 2. ACQUISITION.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may acquire, with the consent of the owner thereof, by donation or by purchase with donated or appropriated funds, the property designated under the Act of October 15, 1982 (Public Law 97–329; 96 Stat. 1615), as the Mary McLeod Bethune Council House National Historic Site, located at 1318 Vermont Avenue, N.W., Washington, D.C., together with such structures and improvements thereon and such personal property associated with the site as he deems appropriate for interpretation of the site.

## SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—Upon acquisition of the property described in section 2, the cooperative agreement referred to in section 3 of the Act of October 15, 1982 (Public Law 97–329; 96 Stat. 1615) shall cease to have any force and effect, and upon acquisition of such property, the Secretary shall administer the Mary McLeod Bethune Council House National Historic Site (hereinafter in this Act referred to as the "historic site") in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENT.—(1) The Secretary is authorized and directed to enter into a cooperative agreement with nonprofit organizations dedicated to preserving and interpreting the life and work of Mary McLeod Bethune and the history and contributions of African American women—

(A) to provide to the public such programs, seminars, and lectures as are appropriate to interpret the life and work of Mary McLeod Bethune and the history and contributions of African American women, and

(B) to administer the archives currently located at the historic site, including providing reasonable access to the archives by scholars and other interested parties.

(2) The Secretary is authorized to provide space and administrative support for such nonprofit organization.

(c) MANAGEMENT AND DEVELOPMENT.—The historic site shall be operated and managed in accordance with a General Management Plan. The Advisory Commission appointed under section 4 shall fully participate in an advisory capacity with the Secretary in the development of the General Management Plan for the historic site. The

Secretary and the Advisory Commission shall meet and consult on matters relating to the management and development of the historic site as often as necessary, but at least semiannually.

**SEC. 4. ADVISORY COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established the Mary McLeod Bethune Council House National Historic Site Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall carry out the functions specified in section 3(c) of this Act.

(b) MEMBERSHIP.—The Commission shall be composed of 15 members appointed by the Secretary for 4-year terms as follows:

(1) 3 members appointed from recommendations submitted by the National Council of Negro Women, Inc.

(2) 2 members appointed from recommendations submitted by other national organizations in which Mary McLeod Bethune played a leadership role.

(3) 2 members appointed from recommendations submitted by the Bethune Museum and Archives, Inc.

(4) 2 members who shall have professional expertise in the history of African American women.

(5) 2 members who shall have professional expertise in archival management.

(6) 3 members who shall represent the general public.

(7) 1 member who shall have professional expertise in historic preservation.

Any member of the Commission appointed for a definite term may serve after the expiration of his or her term until his or her successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—Members of the Commission shall serve without compensation except that the Secretary is authorized to pay such expenses as are reasonably incurred by the members in carrying out their responsibilities under this Act.

(d) OFFICERS.—The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) BYLAWS, RULES, AND REGULATIONS.—The Commission shall make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this

Act. The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix) are hereby waived with respect to this Commission.

## SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Passed the House of Representatives April 24, 1991.

Attest: DONNALD K. ANDERSON,
*Clerk.*

Senator **Bumpers**. And the record will remain open for 2 weeks to receive additional comments and testimony.

Also, to say to our witnesses, I think that everybody pretty much has signed off on most of these bills, and there is not any point in rehashing what we already know, that these are the work of the Lord and we need to pass them.

[Laughter.]

Senator **Bumpers**. Our first panel is the administration witnesses: Michael Penfold, Assistant Director for Land and Renewable Resources, BLM; Jerry Rogers, Associate Director for Cultural Resources of the National Park Service; Robert Stanton, Regional Director, National Capital Region of the National Park Service.

Do we have somebody missing?

Mr. **Rogers**. Mr. Chairman, Bob Stanton is on his way and will be here as soon as he can.

Senator **Bumpers**. Fine. Please begin. Who is going to go first?

## STATEMENT OF MICHAEL PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON H.R. 427

Mr. **Penfold**. Mike Penfold for the Bureau of Land Management. If I might speak to H.R. 427, which has the purpose of disclaiming any interest of the United States in certain lands on San Juan Island, Washington.

The BLM has no objection to enactment of H.R. 427. This bill arises out of an act of Congress in August 1921 which granted to the University of Washington certain properties in San Juan County, Washington, for the operation of a marine sciences laboratory. The act contains a reverter to the United States should the lands be used for some other purpose. Due to an erroneous private survey, about 14 people have homes that are improperly on this tract of land. The university is faced with the situation that they have lost right to retain legal title to these lands and cannot transfer that land to those private landowners.

The BLM has been working with all parties and has refrained from any decision of divestiture of the State because of the situation.

So, we are in favor of the bill. We think it is the right thing to do, but would request that the provision that would require the Federal Government to pay 50 percent of the cost of a survey be taken out of the bill. We think this should be paid by the parties who will benefit from it.

We do strongly support the provision as contained in section 5 of the bill which would prevent any lands that are contaminated with hazardous materials from reverting back to the United States. And there is a typographical error that we suggest a correction for.

So, in summary, we are in support of that bill, as I have stated. We would be happy to take questions or move on.

[The prepared statement of Mr. Penfold on H.R. 427 follows:]

### Prepared Statement of Michael Penfold, Assistant Director, Land and Renewable Resources, Bureau of Land Management, Department of the Interior, on H.R. 427

I appreciate the opportunity to appear here today to discuss H.R. 427.

The Bureau of Land Management (BLM) has no objection to the enactment of H.R. 427 as passed by the House of Representatives if it is amended to address our concern. A summary of the Act is attached to this statement.

Under the Act of August 23, 1921, Congress granted to the University of Washington certain properties in San Juan County, Washington, for the operation of a marine sciences laboratory. The Act contained a reverter to the United States, should the lands be used for any purpose other than those originally specified in the Act.

As a result of an erroneous private survey for a residential subdivision, there are now 14 or more individual parcels of lands, encompassing approximately 13 acres, encroaching along the west boundary of the land patented to the University of Washington that are occupied by persons who claim ownership. Because the land is not being used for the purposes set out in the 1921 Act, the University may have lost the right to retain legal title to the land even though the change in use was an unintentional violation of the provisions of the 1921 Act. The BLM has been working with the University for several years to try to resolve the problem and has not issued a Decision of Divestiture to formally notify the State of the reversion.

We concur with the provision of the bill which directs the BLM to complete a survey of the lands granted to the State of Washington by the 1921 Act, and to prepare a map detailing those portions of the lands that have been encroached upon. We appreciate that H.R. 427 now provides that the Secretary shall be reimbursed for the administrative costs of implementing the Act. However, we object to the proviso in that section that would require the Federal Government to pay 50 per centum of the cost of survey. We believe there is no rationale or justification for the Federal Government to pay any portion of the costs of the survey. The State of Washington, the University of Washington and the occupants of the encroached lands are the beneficiaries of the survey. There is no benefit to the Federal Government which is merely rendering the service of doing an official survey of the encroached lands. The survey will enable the University and the occupants to know exactly what lands are encroached. We, therefore, urge that the proviso in section 2 and the limit on reimbursement for survey costs in section 3(c)(1)(B) of H.R. 427 be deleted, and that the bill be amended to require the beneficiaries of the bill to pay the total cost of the survey.

We strongly support the amendment contained in section 5 of the bill which would prevent any lands that are contaminated with hazardous materials from reverting to the United States.

We believe there is a typographical error in section 3(c)(1)(B). The second "of" on page 4, line 14 should be "or".

H.R. 427 has no known impacts under the pay-as-you-go provisions of the 1990 Budget Enforcement Act.

This concludes my statement. I will be pleased to answer any questions you may have.

## SUMMARY OF H.R. 427

Section 1 would provide definitions for a number of terms used in the bill. One of those terms, "encroached lands", is defined as those portions of the lands granted to the State of Washington by the Act of August 23, 1921, that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior through the Bureau of Land Management (BLM).

Section 2 would require the completion of a survey of the lands conveyed to the State of Washington by the Act of August 23, 1921, and a map detailing the encroached lands. It would provide that not more than 50 percent of the cost of survey shall be paid by the Federal Government.

Section 3(a) would exempt the encroached lands, subject to the right of the United States to reclaim the lands if they are needed for military purposes, from the reversionary provisions in the 1921 Act, and from a new provision related to hazardous materials which would be added to the 1921 Act by Section 5 of H.R. 427.

Section 3(b) would provide that the United States disclaims all right, title, and interest in the encroached lands, and that effective one year after the survey plat is prepared, all right, title, and interest of the United States in such lands shall vest in the University of Washington.

Section 3(c) would provide that the exemptions and vesting of the lands under subsections (a) and (b) could not take effect unless, within six months after enactment of H.R. 427, the State and the University have entered into a binding agreement with the Secretary of the Interior regarding the lands. Under that agreement, the State and the University would have to agree to accept as accurate and conclusive the map referred to in the Act; not to attempt to convey or otherwise transfer the encroached lands to any party other than the occupants; to reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by Section 2; and to pay the Secretary any amounts received as consideration for conveyance of some or all of the encroached land in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to conveying the land. The Secretary would be required to retain all such payments and, subject to appropriation, use the monies for the management of public lands managed by the BLM.

Section 4 would require the survey plat of the encroached lands to be available for public inspection in the offices of the Secretary of the Interior and the BLM State Director for the State of Washington. The Secretary would be required to transmit copies of the survey plat to the University and to appropriate officials of the State and of San Juan County, Washington.

Section 5 would amend the 1921 Act to provide that, notwithstanding any other provision of that Act, any land granted or conveyed to the State by this Act that is or shall become contaminated with hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act, or that has been used for purposes that the Secretary finds may result in the disposal, placement or release of any hazardous substance shall not, under any circumstances, revert to the United States. In such instances, the State would be liable to pay the Secretary the fair market value of the land, including the value of any improvements as of the date of conversion of the land to the nonconforming purpose. The Secretary would be required to retain all such payments and, subject to appropriations, use the moneys for the management of public lands. It would remain available until expended.

Senator BUMPERS. Move on to the next one. Just continue until I stop you.

## STATEMENT OF MICHAEL PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 663

Mr. PENFOLD. S. 663 is a bill that would allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women and for other public purposes.

We have no objection to enactment of S. 663. However, if we amend the patent at the request of the city of Pocatello, it might be appropriate that it be made consistent with the patents under the Recreation and Public Purposes Act.

In this case, pursuant to an act of May 12, 1920, the city of Pocatello, Idaho, was granted approximately 2,240 acres of public land to be used for the conservation and protection of the source of its water supply. The land patent contained a provision required by the authorizing act that the lands would revert back to the United States if they ceased to be used for such public purpose.

The city of Pocatello now wishes to broaden the allowable uses. We understand it wishes to construct and operate a women's correctional facility. So, therefore, this 1920 act needs to be amended.

S. 663 would augment the purposes for which lands were conveyed to make them available for a variety of public purposes. In the 71 years since the enactment of the act of 1920, the need for the land for other public purposes has become evident. The limitations in that act are too restrictive.

We note that in addition to allowing for construction of a women's correctional facility, this legislation would broaden the allowable uses of the remaining 2,170 acres to include all public purposes, and we do not object to the broadening as long as the treatment of these lands is made similar to those conveyed under the Recreation and Public Purposes Act.

Senator **Bumpers**. What if somebody wants to build a cat house on it? Do you object to that?

Mr. **Penfold**. We would just as soon not see that happen, sir. [Laughter.]

Senator **Bumpers**. Well, I would, too, but when you allow something that broad, that is a possibility. Is it not?

Mr. **Penfold**. The normal process is, Senator, that a community under the Recreation and Public Purposes Act will submit to the Bureau of Land Management a plan to show what the public purpose is that they are requesting. It is a very routine process in BLM.

Senator **Bumpers**. Of course, that is intended to be a flip question——

Mr. **Penfold**. Yes, sir, I know.

Senator **Bumpers** [continuing]. Because it says public purpose. That would hardly be a public purpose.

Is this a State prison they are proposing to build or a Federal prison?

Mr. **Penfold**. We understand it is a State prison. The State Prison Board has held public hearings around the State, and several sites around Pocatello have been considered. BLM has not been a part of that process. This is their number one site.

Senator **Bumpers**. We received eight letters and phone calls in the last 2 days of people who live close to this site objecting to a prison being built. You will always have that, of course, anytime there is a prison involved.

Mr. **Penfold**. Yes, sir.

Senator **Bumpers**. I am just curious. Is it the Park Service's position that we ought to transfer this land to Pocatello whether they ever build the women's correctional facility or not?

Mr. **Penfold**. The BLM would suggest that the act of 1920 be changed so that the city could broaden the spectrum of public purposes and uses that it would be able to use this site for, including the prison. Right now there are other recreation activities, for example, that are going on on the tract that are important to the community, and we think it is appropriate that the community have jurisdiction to plan other public purposes on this tract.

Senator **Bumpers**. Thank you very much. Go ahead. Is that all for BLM?

Mr. **Penfold**. That pretty well summarizes my testimony, sir.

[The prepared statement of Mr. Penfold on S. 663 follows:]

### PREPARED STATEMENT OF MICHAEL PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 663

I appreciate the opportunity to appear here today to discuss S. 663, a bill to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women and for other public purposes.

We have no objection to the enactment of S. 663.

Pursuant to the Act of May, 12, 1920, the city of Pocatello, Idaho, was granted approximately 2,240 acres of public land to be used for the conservation and protection of the source of its water supply. The land patent contained a provision, required by the authorizing Act, that the lands would revert to the United States if they ceased to be used for the purpose stated.

The city of Pocatello now wishes to broaden the allowable uses so that it can utilize the land for other public purposes. We understand it wishes to construct and operate a correctional facility on a small portion of the land. In order to avoid being in violation of the use conditions and the operation of the reverter provisions, legislation is necessary to modify the 1920 Act and to authorize a modification of the patents. We have no objection to the city's use of a small portion of the land for the proposed public purpose use or for other public purposes.

S. 663 would augment the purposes for which the lands were conveyed to make them available for a variety of public purposes. In the seventy-one years since enactment of the Act of May 12, 1920, the need for the land for other public purposes has become evident. The strict limitations in the Act and patents would appear to be too restrictive.

We note that in addition to allowing for construction of a women's correctional facility, this legislation would broaden the allowed uses of the remaining approximately 2,170 acres to include all public purposes. We do not object to this broadening as long as the treatment of these lands is made similar to those conveyed under the Recreation and Public Purposes Act.

We are also concerned about the potential for deposition of hazardous materials under the terms of this legislation. We therefore urge the Committee to amend the bill to restrict reversion to exclude those cases where hazardous materials may be introduced on these lands at some later time. We will be happy to work with the Committee to develop appropriate language.

Section 2 of S. 663 would eliminate the words "of each year" from the requirement of the 1920 Act that the Mayor of the city of Pocatello report to the Secretary on the use of the land during the preceding calendar year. It is not clear whether this is intended to eliminate all requirements for reporting or for only an annual report. This provision needs reexamination to clarify its scope and intent.

Enactment of S. 663 would have no pay-as-you-go impact under the terms of the Budget Enforcement Act of 1990.

This concludes my prepared statement. I will be pleased to answer questions.

Senator BUMPERS. Mr. Rogers.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 52 AND H.R. 1143

Mr. ROGERS. Mr. Chairman, do you have any preference about the order?

Senator BUMPERS. None whatever.

Mr. ROGERS. Then I will address first S. 52 and H.R. 1143 to authorize study of nationally significant places in American labor history and to say that it is a great pleasure to be here, and it is a great pleasure to support the enactment of either of those bills, although we suggest certain improvements in order to facilitate the study.

We would like for the committee to note that some properties importantly related to American labor history have already been designated as national historic landmarks. We for several years believed that a full-fledged theme study of American labor history would be appropriate. And so, we do not object to enactment of the legislation.

We would request that the following concerns be addressed when the bills are considered.

First, we would prefer that the deadline be effective from the date that funds are made available for the study in order to enable us to get into the budgeting and appropriating cycle. Unless we have necessary funds to complete the study, if we were to meet the deadline, we would have to use funds identified for other studies and other earlier commitments could not be met.

Second, we would like to point out that studies of new park units—and the bill asks us to identify components and features of new park units—require consideration of suitability and feasibility which are not required in the usual history theme study. We believe that a determination of national significance through a theme study ought to proceed in a formal suitability study of possible new park units, and it costs money to do those suitability and feasibility studies. This does not seem to be contemplated in the bill.

The bills require cooperative agreements with organizations to prepare the theme study, and we cannot be sure at this stage that external groups or organizations would be willing and capable of conducting the studies, but we would in any event seek the review of the study by qualified historians outside the service. If we were to conclude that contracts or cooperative agreements are desirable, we would intend to use competitive bidding to arrive at those agreements.

Finally, it is unclear in H.R. 1143 whether the Secretary or the workers representatives and the scholars and the historic preservationists should prepare the guidelines for the study. We would assume that the intent is for the Secretary to prepare those guidelines following consultation with those groups.

I would be very happy to answer questions, or do you want to move on?

[The prepared statement of Mr. Rogers on S. 52 and H.R. 1143 follows:]

PREPARED STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 52 AND H.R. 1143

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 52. A similar bill, H.R. 1143, passed the House of Representatives on May 7, 1991.

We believe there is adequate authority under existing law to accomplish the studies proposed in S. 52 and H.R. 1143, and in fact, some properties associated with labor have already been studied. Nonetheless, we support the enactment of either bill. We also suggest certain improvements in order to facilitate the study.

Both bills would direct the Secretary of the Interior within three years after enactment to prepare and transmit to Congress a National Historic Landmark Theme Study. The theme to be studied is American labor history. Both bills direct the Secretary to identify possible new park units and discuss the feasibility and suitability of their inclusion in the National Park System; both bills also direct the Secretary to enter into cooperative agreements with organizations to prepare the theme study and ensure that it meets scholarly standards., The bills would authorize the $250,000 to carry out the study. The only material difference between the bills is that H.R. 1143 requires the study to be prepared in accordance with guidelines, a provision not present in S. 52

Section 2(b) of the Historic Sites Act of 1935 authorizes the Secretary of the Interior to make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value in commemorating or illustrating the history of the United States. Section 4 of that Act also authorizes the Secretary, in administering the provisions of the Act, to seek and accept the assistance of any Federal, State, or municipal agency or any educational, scientific or patriotic association or any individual.

Under the authority of the 1935 Act, the National Park Service has conducted studies of many of the broad themes in American history. These studies identify which sites are of national significance, and thereby eligible for designation as National Historic Landmarks.

Mr. Chairman, we are mindful of the requirement in section 1209 of the Arizona Desert Wilderness Act of 1990 to completely revise the National Park Service Thematic Framework. This revision is due to your Committee by the end of May 1992.

We do not expect that the broad theme represented in S. 52 and H.R. 1143 would be deemphasized as a result of the revision required under Section 1209 of the 1990 Act.

With regard to the American labor history theme, some properties importantly related to American labor history have already been designated. We have for some years believed, however, that a full-fledged theme study of American Labor History would be appropriate. No such study has been done, and none has been programmed for the next few years.

Mr. Chairman, we request that the following concerns be addressed when the bills are considered by the full Committee. Completion of this theme study in a consistent and comprehensive manner will be facilitated if these concerns are addressed.

1. The bills require completion of the study within three years after enactment instead of within three years after funds are made available therefore.

We would prefer that the deadline be effective from the date that funds are made available for the study, which is similar to the Underground Railroad study required by Title VI of the Arizona Desert Wilderness Act of 1990. Without the necessary funds to complete this study, we would have to use funds identified for other studies in order to meet the three-year deadline, and other earlier commitments could not be met. In addition, funding for this study would be subject to the budgetary priority setting process.

2. The bills require that the theme study identify possible locations, components, and features of new park units. Studies of new park units require consideration of suitability and feasibility, which are not required in the usual history theme study. The theme study identifies sites that are potentially nationally significant. We believe a determination of national significance, through the medium of the theme study, should precede any formal suitability study of possible new park units.

3. The bills require that the Secretary enter into cooperative agreements with organizations to prepare the theme study and ensure that the study meets scholarly standards. National Park Service historians are qualified to prepare the study, and if we need to contract for portions of it the Service already has the option of concluding cooperative agreements. We cannot be sure, at this stage, that external groups or organizations would be willing and capable of conducting the study. I can assure the Subcommittee, however, that we will, in any case, seek review of the study by qualified historians outside the Service. If we conclude that contracts or cooperative agreements are desirable to accomplish the study, it is our intention to enter into such contracts or agreements through competitive bidding.

4. Finally, it is unclear in H.R. 1143 whether the Secretary or workers representatives, scholars, and historic preservationists shall prepare the guidelines for the study. We assume the Secretary shall prepare guidelines following consultation with the groups referred to in the bill.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to your questions.

Senator BUMPERS. Were there any objections by the Park Service last year on this? We passed this bill last year.

Mr. ROGERS. I do not recall any objections to it, Mr. Chairman, but we do have these particular concerns.

Senator BUMPERS. Fine. Thank you very much. Go ahead.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 550

Mr. ROGERS. The next one in my order is S. 550 authorizing the expansion of Nez Perce National Historical Park.

We support enactment of S. 550, but we recommend that the subcommittee consider removing the provision in the bill that would limit Old Chief Joseph's grave site and cemetery to the area now held in trust by the Bureau of Indian Affairs.

There are two main reasons why we support the expansion of the park.

The first is that restricting the park to sites in Idaho has resulted in the exclusion of some very important sites that this bill would contemplate.

And, second, we have been very pleased with the partnership approach for Nez Perce National Historical Park and think it makes good sense to build on that approach. The National Park Service now owns and administers only 4 of 24 sites that are now included in the park. The remaining 20 sites are administered by various owners, Federal and otherwise, and managed through cooperative agreements. Those agreements range from something as simple as providing interpretive signing to assistance in maintaining and interpreting and preserving important historic structures.

As I said, we recommend removing the provision limiting the boundaries of Old Chief Joseph's grave site to that which is now held in trust by the Bureau of Indian Affairs. We think that it is important to allow us to have a larger area to provide for a greater degree of protection for nearby prehistoric burials and to provide a location for small scale visitor service facilities.

Our estimate of the acquisition cost is $1.5 million and that assumes fee interest in a total of 300 acres of land and then scenic easements on less than 1,500 acres.

A portion of the $3.5 million development ceiling increase would be caused by the need for an interpretive station at Old Chief Joseph's grave site and various interpretive exhibits, site planning and landscaping, and a visitor center at Bear's Paw.

I would be happy to answer questions on this one.

[The prepared statement of Mr. Rogers on S. 550 follows:]

### PREPARED STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 550

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 550, a bill that would authorize expansion of the Nez Perce National Historical Park.

We support passage of S. 550. We recommend, however, that the Subcommittee consider removing the provision in the bill that would limit Old Chief Joseph's Gravesite and Cemetery to that area now held in trust by the Bureau of Indian Affairs.

The Nez Perce National Historical Park was authorized by the Act of May 15, 1965. Its purpose is to protect and interpret sites ". . . in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation." The park now consists of 24 separate sites designated by the Secretary of the Interior.

S. 550 would amend the 1965 Act in several ways. It would (1) permit designation of sites in the states of Oregon, Montana, Washington and Wyoming, as well as in Idaho; (2) specify 13 sites to be added to the park; (3) remove the acreage limitation imposed on lands acquired by purchase; (4) remove the acreage limitation imposed on designation of lands now under the administrative jurisdiction of other Federal agencies; (5) increase the authorization for appropriations for land acquisition by $1.5 million and for development by $5.2 million; (6) add the requirement that lands owned by a State or political subdivision be acquired only by donation or exchange; (7) stipulate that private lands be purchased only on a willing seller basis; and (8) require that the Secretary consult with the Nez Perce tribe to ensure the cultural and historical accuracy of site interpretation.

Mr. Chairman, there are two main reasons why we support the expansion of Nez Perce National Historical Park. The first reason is that restricting the park to sites in Idaho has resulted in the exclusion of some very important sites associated with the Nez Perce story. In turn, our ability to present a comprehensive overview of the history and culture of the Nez Perce has been somewhat frustrated. Expanding the park to include additional sites will enable us to provide the visiting public with a much better understanding of the problems and events that culminated in the 1877

Nez Perce war. A detailed description of each of the new sites under consideration is appended to my statement.

The second reason we support expansion is that it makes good sense to build on a partnership that has worked very well. The National Park Service owns and administers only four of the 24 sites now included in the park. The remaining 20 sites are owned by various other Federal, State, tribal, and private interests who are our "partners" in this venture. Those 20 sites are managed as units of the park through cooperative agreements between the National Park Service and the owning/managing agency or individual.

The cooperative agreements range from the simple—such as providing interpretive signs—to the more complex—such as the National Park Service providing assistance in maintaining, interpreting, and preserving historic structures, as occurs at St. Joseph's Mission and Pierce Courthouse. We have found this arrangement to be quite effective in achieving the level of protection and interpretation that is necessary: We expect the same sort of arrangements for each of the sites that have been identified in the study recently completed by the Pacific Northwest Regional Office, and that are now included in S. 550.

Mr. Chairman, I mentioned earlier in this testimony that we suggest removing the provision in S. 550 limiting the boundaries of Old Chief Joseph's Gravesite to that area which is now held in trust by the Bureau of Indian Affairs. We believe this important site should include a larger area to provide a greater degree of protection for nearby prehistoric burials, and to provide a location for small-scale visitor service facilities. This site expansion would represent a substantial portion of the estimated total acquisition cost of $1.5 million.

The $1.5 million assumes acquisition of fee interests in a total of 300 acres of land, and the acquisition of scenic easements on less than 1,500 acres. Since negotiations for the future disposition of each of the 13 sites will not take place until after authorization, it is possible that some of the acreage we have included in the estimate will not need to be acquired. If that should occur, a lesser amount may need to be appropriated.

A portion of the $5.2 million development ceiling increase is also attributable to Old Chief Joseph's Gravesite, where an interpretive station would be needed. But the greater part of the development costs would he attributable to various interpretive exhibits, site planning, landscaping, and a visitor center at Bear's Paw.

In closing, Mr. Chairman, I would point out that the people, events, and sites represented by Nez Perce National Historical Park have played a leading role in shaping the history and development of the West, beginning with the first contact between Lewis and Clark and the Nez Perce at Wieppe prairie in 1805. The Nez Perce War of 1877 was an event that not only deeply affected its participants and their descendants for generations, but reached beyond to stir the emotions of an entire nation. We now have before us the opportunity to finally interpret the whole story of the Nez Perce, their country, and their impact on American history.

Mr. Chairman, this concludes my testimony on S. 550. I would be pleased to try to answer any questions you or other members of the Subcommittee may have.

[Attachment.]

## SITE EVALUATION—OREGON

### JOSEPH CANYON VIEWPOINT

Location: The Joseph Canyon Viewpoint on Oregon State Route 3, approximately 11 miles south of the Washington-Oregon boundary, is within the Minan Division of the Wallowa-Whitman National Forest.

Ownership: U.S. Forest Service, U.S. Department of Agriculture.

Historical Narrative: This site is important because of the view it presents of the traditional wintering grounds of the Wallowa Nez Perce in and around Joseph Canyon.

National Register/National Landmark Status: Not eligible.

Condition: The overlook is a adequately maintained pull-off with limited picnic and rest facilities; wayside exhibits show signs of vandalism. The view of Joseph Canyon and the Seven Devils Mountains is spectacular and largely unimpaired, although there are several noticeable clear cuts in the far distance.

Interpretive Theme: This viewpoint provides a valuable opportunity for interpreting the seasonal migrations of the Nez Perce and the use of native grasses, roots, and berries for food for both the people and their horses. There is also the traditional specific association with Young Chief Joseph, who is believed to have been born in a cave along the lower east bank of Joseph Creek.

Suitability/Feasibility: Although the overlook itself is not eligible for the National Register, it provides a outstanding opportunity to expand and enhance interpretation of prehistoric Nez Perce culture and, specifically, the Wallowa Nez Perce band. As such, the overlook would function in a manner similar to some of the existing State sites in Idaho (for example, Camas Prairie), which are designated by highway waysides that interpret the significance of the surrounding area. If the legislation is amended to permit inclusion of Oregon sites, this site could be added to the park through a cooperative agreement with the USFS that provided a framework for further development of the site and protection of the viewshed. Development could take the form of new wayside exhibits discussing the Nez Perce lifestyle, their seasonal migrations and uses of the area's resources, and the final trip of the Joseph band through the canyon in 1877.

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## SITE DESCRIPTION—OREGON

### OLD CHIEF JOSEPH'S GRAVESITE (OLD CHIEF JOSEPH MONUMENT)

Location: Approximately one mile south of Joseph, Oregon, on State Route 82, the site is a few hundred yards north of Wallowa Lake and immediately to the west of the state highway overlooking the lake.

Ownership: The gravesite is held in trust by the Bureau of Indian Affairs for the Umatilla ad Nez Perce tribes. Land between the gravesite and lake is owned by the Associated Ditch Co. Acreage to the north and northwest is privately-owned.

Historical Narrative: This is the grave of Chief Joseph the elder, who died in August 1871 at his camp at the historic juncture of the Wallowa and Lostine Rivers. Chief Joseph was first buried near the campsite where he died. This land passed into the homestead of the McAlexander family in 1876. Subsequently, the grave was opened and the skull was removed; the present whereabouts of the skull is unknown. In 1926 Mr. J.H. Horner, historian of the Wallowa and resident of Joseph, Oregon, moved the remains of Old Joseph to a new grave at the foot of Wallowa Lake with the permission of the Nez Perce tribe.

National Register/National Landmark Status: Designated a NHL under the "Nez Perce 1877 Campaign" theme (1989) as "Old Chief Joseph Monument." This is also the beginning of the Nez Perce (Nee-Me-Poo) National Historic Trail.

Condition: The appearance of the cemetery is little changed from the time of its evaluation in 1969. The road from Joseph runs directly past the cemetery's stone walls. Inside the cemetery is a stone masonry monument marking Chief Joseph's Grave. To the southwest are the graves of the McCully family who were considered friends of Chief Joseph. The cemetery is maintained by the local chapter of the Oregon Federation of Women's Clubs. Immediately surrounding the graves is a small, well-kept park-like area; this melds into more natural scrub vegetation to the north, northwest and south to the lake. The view southeast from the cemetery is dominated by a huge lateral glacial moraine ad Wallowa Lake, both formed by glaciation. The moraine, which rises about 500 feet and is more than four miles in length, has been determined eligible for National Natural Landmark Status. The only man-made structures visible from the gravesite area are a small, motel structure across Highway 82 to the east and the Associated Ditch Company's headgate works near the Wallowa Lake outlet to the Wallowa River. However, development is moving inexorably toward the cemetery. Use of the lake for recreation intensifies with each passing year. More immediate is the threat posed by a 1989 proposal to the Wallowa County Planning Commission to subdivide the 68-acre parcel adjacent to the monument.

Interpretive Theme: This is a key site for interpreting the lifestyle and culture of the Wallowa Nez Perce, their close ties with the Umatilla and Cayuse tribes, and the events that led to their expulsion from the Wallowa Valley and, ultimately, the Nez Perce War of 1877. The adjacent property is believed to be the site of numerous prehistoric graves. The graves of the McCullys provide a reference point for presenting the settlers' stories and perspectives as well.

Suitability/Feasibility: This site could be incorporated into the park as a cooperative site, managed by the National Park Service with ownership retained by the Umatilla and Nez Perce tribes. It could serve as the focal point for interpreting the Wallowa Nez Perce and as the "west entrance" to Nez Perce country and the park. To maintain the visual integrity of the site at current levels, agreements could be negotiated with adjacent landholders to acquire scenic casements. In addition, acquisition of the adjacent tract (approx. acres, locally known as the "Barr property"), currently being proposed for subdivision, would protect the prehistoric burials, provide a buffer from encroaching development, and serve as the location for a modest visitor contact station, exhibits, a maintenance facility, and parking. Addition of the site to the park can only be accomplished through amendment of the existing park legislation (1) to eliminate the current restriction limiting the park to sites in Idaho and (2) to raise the existing ceilings on land acquisition and development expenditures.

## SITE EVALUATION—OREGON

### TRADITIONAL CAMPSITE AT THE HISTORIC JUNCTION OF THE LOSTINE AND WALLOWA RIVERS (OLD CHIEF JOSEPH'S LAST CAMPSITE AND BURIAL PLACE)

Location: Approximately three-quarters of a mile from the present junction of the Wallowa and Lostine rivers, which is just off of Route 82, approximately twelve miles northwest of Enterprise, Oregon.

Ownership: Private.

Historical Narrative: This is a traditional seasonal campsite of the Wallowa Nez Perce. It was here that Old Chief Joseph died in 1871, after, according to tradition, extracting a promise from his son and successor, soon to be known as Young Chief Joseph, "Never sell the bones of your father and your mother."

National Register/National Landmark Status: Needs a determination of eligibility.

Condition: It appears that the site has only undergone the modifications necessary to use it for cattle ranching—some fencing, telephone lines, and a few buildings in the far distance. From the road, open vistas across the river bottomlands to the foothills of the Blue Mountains remain largely unimpaired.

Interpretive Theme: This is an outstanding site from which the visitor can get a sense of the pre-white lifestyle of the Nez Perce bands. Standing on the road looking across the fields to the river's present junction, one can easily envision the teepees lining the banks and the horse herds that once fed on these lush grasslands.

Suitability/Feasibility: A small interpretive roadside pull-out located in close proximity to the historic junction of the two rivers would provide a forum for interpreting this site. A small parcel of land (less than one acre) would need to be acquired to accommodate the pull-out. The site could be serviced from the Wallowa Lake facility. A cooperative agreement with, or purchase of a site for the wayside from the present owner; and amendment of the existing park legislation, removing the current restriction to sites within Idaho and raising the ceiling for land acquisition and development expenditures, would be required to add this site to the park.

## SITE DESCRIPTION—IDAHO

### BUFFALO EDDY

Location: Petroglyph features found on both sides of the Snake River above Lewiston, Idaho. The most abundant are located on a cluster of rocks along the east side of the river. They begin about 10 feet above water level within the river channel and from there are found inland to the east approximately 200 yards. The features on the west (Washington) side have been subjected to repeated vandalism; those remaining are located along the road and between the road and the river bench.

Ownership: Idaho side: private. Washington side: Asotin County, WA.

Historical Narrative: These are densely-grouped clusters of petroglyphs containing hundreds of distinct inscriptions associated with prehistoric Nez Perce culture.

National Register/National Landmark Status: Listed in the National Register as part of the Nez Perce Archeological District.

Condition: While some of the sites on the Washington side have been destroyed by vandalism, hundreds remain in good to excellent condition on both sides of the river. The upstream dams on the Snake River have moderated the impact of once-violent currents at Buffalo Eddy during flood stage. A county road provides reasonable access to the Washington sites; those on the Idaho side are on private land and accessible primarily from the river.

Interpretive Theme: There is agreement among tribal members contacted, the Idaho State Archeologist, and federal archeologists and resource managers with both NPS and USFS that this is an important site in terms of the quality and quantity of the petroglyphs. Their interpretation would provide additional depth to the park's discussion of prehistoric Nez Perce culture. A discussion of the need to protect such sites could also be featured.

Suitability/Feasibility: Addition of the petroglyphs on both sides of the river to Nez Perce NHP through purchase or donation from the present owners would be appropriate. Inclusion of the petroglyphs would significantly add to the park's resources for the interpretation of prehistoric Nez Perce culture and enhance the preservation of these valuable sites. The Idaho site could be added to the park through purchase or donation, or through a cooperative agreement with the present owner, under the existing legislation. Inclusion of the Washington site would only follow amendment of the existing legislation to eliminate the restriction currently limiting the park to the State of Idaho.

## SITE EVALUATION—OREGON

### DUG BAR

Location: Hells Canyon National Recreation Area, along section of the designated National Recreation Trail running between Imnaha River and the Snake River.

Ownership: U.S. Forest Service, U.S. Department of Agriculture.

Historical Narrative: This is the site identified by scholars as the probable crossing point for Joseph's Band in 1877 as they were being forced onto the reservation at Lapwai. It was a traditional Nez Perce seasonal migration crossing of the Snake River.

National Register/National Landmark Status: Needs a determination of eligibility. Site on the Nez Perce National Historic Trail.

Condition: Visible seasonally; subject to the forces of current and erosion.

Interpretive Theme: An important feature of the seasonal migration routes of the Nez Perce, it would also be a focal point for interpretation of the events that led up to the outbreak of the 1877 war.

Suitability/Feasibility: This site could be interpreted by the park. However, because of its seasonal nature and relative inaccessibility, it would be most feasible to interpret it through a wayside panel located under a cooperative agreement within the Hells Canyon National Recreation Area.

## SITE EVALUATIONS—IDAHO

### TOLO LAKE

Location: Six miles (10 kilometers) west of Gangeville, Idaho, and east of Rocky Canyon, accessible by unpaved section roads off of U.S. Route 95 from both the north and the south.

Ownership: State Of Idaho.

Historical Narrative: It was at Tepahlewam (Split Rocks), the ancient counciling site at the camas meadows beside Tolo Lake, that most of the non-treaty bands rendezvoused on June 2, 1877, twelve days before they had to move onto the reservation under General Howard's ultimatum. Amidst mounting anger and resentment, three young men left the encampment on June 12 to avenge the death of one of their fathers and ended up killing four white men and wounding another. The anger on both sides that this act unleashed began a chain of events that culminated in the battle of White Bird Canyon five days later on June 17. U.S. troops and local volunteers fleeing the battle at White Bird passed through this area on their way to Grangeville and Mt. Idaho.

National Register/National Landmark Status: Not nominated at this time; the State Historic Preservation Office believes it to be eligible because of its relationship to the beginning of the Nez Perce war. Site on the Nez Perce National Historic Trail.

Condition: Although wheat fields have replaced the camas meadows, Tolo Lake and its vicinity remain otherwise largely unencumbered by development. The sweeping perspectives across the high prairies retain a clear sense of the historic and prehistoric landscape.

Interpretive Theme: This site is important in interpreting the sequence of events that finally led to the outbreak of the Nez Perce War of 1877. It is also significant as a traditional counciling site to the interpretation of Nez Perce culture.

Suitability/Feasibility: Under the current legislation Yolo Lake could be added to the park as a cooperative site provided an agreement could be reached with the State of Idaho. If funding were available, scenic easements could also be acquired to protect the vistas that surround the site.

## SITE EVALUATION—IDAHO

### LOOKING GLASS' 1877 CAMPSITE

Location: On the Middle Fork of the Clearwater River in north central Idaho, just above its confluence with the South Fork of the Clearwater, at the point where Clear Creek enters the Middle Fork of the Clearwater.

Ownership: National Fish Hatchery, Fish and Wildlife Service, U.S. Department of the Interior.

Historical Narrative: The Looking Glass band was camped at this root-gathering site when word reached them of the trouble at Tolo Lake. Although Looking Glass had opposed the 1863 reduction of the reservation and was thus considered to be a malcontent, he had sought to avoid confrontation with General Howard over the movement of the non-treaty bands onto the reservation. General Howard, however, after the battle of White Bird, mistrusted Looking Glass' neutrality and on July 1 his troops attacked the band at this site. The Indians were routed, the camp was pillaged, and hundreds of horses were captured. Infuriated by this treachery, Looking Glass joined the warring bands.

National Register/National Landmark Status: A determination of eligibility is needed.

Condition: The site is presently the location of a small fish hatchery. Otherwise, it is essentially the same as when Looking Glass camped there.

Interpretive Theme: This site is important in explaining the escalating events that prevented a peaceful resolution of the conflict between the non-treaty Nez Perce and General Howard. Howard's unwillingness to discriminate between resisting and neutral bands, as demonstrated by this unprovoked attack on the Looking Glass band, strengthened the Indians' resolve and ability to resist. As a root-gathering camp, it also provides information on Nez Perce culture.

Suitability/Feasibility: This site could become a cooperative site of the Nez Perce National Historical Park. The hatchery manager has indicated a willingness to work with NPS to establish an interpretive wayside exhibit area. Execution of a cooperative agreement between the National Park Service and the U.S. Fish and Wildlife Service would establish the site as a cooperative unit of the park under the existing legislation.

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## SITE EVALUATION—IDAHO

### CAMAS MEADOWS BATTLE SITES

Location: General Howard's camp: SE¼/ NW¼ Section 20, T12N R39E (described in 1969 study as 6 miles SW of Sheridan Reservoir off of a gravel road between Mack's Inn and Kilgore).

Siege Site: W½ NE¼ and E½ NW¼ of NW¼. Section 31, T13N, R40E.

Ownership: General Howard's camp: private. Siege site: State of Idaho.

Historical Narrative: On August 19, as he pursued the Nez Perce to try to intercept them before they crossed the Continental Divide at Targhee Pass, General Howard camped in the Camas Meadows west of present-day Island Park Reservoir. Before dawn the next day a group of Nez Perce, attempting to cripple his operations, rounded up 200 of his mules and some horses and left for their camp. Pursued by three companies of Howard's men, including a calvary detachment from Fort Ellis under Capt. Randolph Norwood, the Nez Perce took up a position on a natural lava ridge to hold back the troops. In the ensuing skirmish Norwood's company was forced to take refuge and hold off the warriors for four hours in rock-protected rifle-pits until the main body of men arrived with Howard. As Howard approached, the Indians broke off the fight and returned to camp. No Indians were killed, Howard lost three men and the opportunity to keep the Nez Perce from crossing Targhee Pass.

National Register/National Landmark Status: Designated a National Historic Landmark under the "Nez Perce 1877 Campaign" theme, 1989.

Condition: Howard's site remains largely unchanged with the exception that farms have replaced the camas meadows. The gravesite of the bugler killed during the battle is still marked at Howard's campsite. The rifle-pits and environs of the siege site are virtually unaltered.

Interpretive Theme: As noted in the National Landmark evaluation, this was an important turning point in the campaign as Howard lost the considerable momentum he had gained after Big Hole and failed to block the Nez Perces' escape across the Targhee Pass. Instead of ending the campaign with a successful blockade of their escape, Howard would be forced to pursue the Nez Perce for another six weeks.

Suitability/Feasibility: The sites are off mainly travelled routes and difficult to find. This difficulty has helped to preserve their integrity. However, these are important sites and the possibility of a cooperative agreement with the private landowner and/or the State of Idaho for the interpretation of these sites may be explored further. Interpretation could be low-key, in the form of interpretive waysides similar to those used at Weis Rockshelter or Wieppe Prairie, and a revised park brochure providing additional information on the site.

## Site Evaluation—Montana

### BIG HOLE NATIONAL BATTLEFIELD

Location: State Route 43 approximately 16 miles east of the junction with U.S. 93 ad 10 miles west of Wisdom, Montana.

Ownership: U.S. Department of the Interior, National Park Service.

Historical Narrative: The Nez Perce were camping and resting at this site on the North Fork of the Big Hole River, after making their way over Lolo Pass, around Fort Fizzle, and south through the Bitterroot Valley. On August 8, a Army patrol located the camp and before dawn the next morning Army troops under Col. John Gibbon attacked and overran the camp. Recovering from the shock of this unexpected attack, the Nez Perce caught the Army in a wicked crossfire that drove the Army troops away from the campsite and allowed the Nez Perce to bury their dead, help the wounded, and break camp. Losses were heavy on both sides: 89 Nez Perce were killed, many of whom were women and children; 29 soldiers were killed and 40 wounded.

National Register/National Landmark Status: National Battlefield listed in the National Register of Historic Places as a nationally significant unit of the National Park System Site on Nez Perce National Historic Trail.

Condition: The battlefield is administered and maintained by NPS and retains a visual sense of the historic scene.

Interpretive Theme: This is a key site in understanding the progression of the Nez Perce War. This battle convinced the Nez Perce that they could not expect to be left alone by the Army. Their retreat from Idaho would ultimately become a march toward the Canadian border and refuge.

Suitability/Feasibility: This site is currently administered as a unit of the National Park System reporting to Grant-Kohrs Ranch NHS. The task force believes that a closer affiliation with Nez Perce NHP should be established. This could be accomplished through a cooperative agreement between the two areas that would establish annual meetings between the staffs of these areas to facilitate a closer working relationship and cooperative planning for the comprehensive interpretation of the Nez Perce culture and the 1877 campaign and their impact on the development of the West. Initial interim steps toward closer cooperation could include development of joint brochures and providing an exhibit at Big Hole about Nez Perce NHP.

## Site Evaluation—Montana

### CANYON CREEK

Location: 8 miles north of Laurel, Montana.

Ownership: Private/Public.

Historical Narrative: The Nez Perce, after emerging from Yellowstone National Park, headed north toward the Canadian border. Just north of the Yellowstone River, they fought a series of successful rear guard actions that significantly impeded the progress of the pursuing troops.

National Register/National Landmark Status: Although the State Historic Preservation Office has indicated that the site is eligible for the National Register, no boundaries have been agreed upon. Site on Nez Perce National Historic Trail.

Condition: None of the sites are presently marked. A Montana State Highway proceeds through the area of the battles.

Interpretive Theme: Together these sites present further testimony to the skill and ingenuity with which the Nez Perce outmaneuvered the Army during the 1877 campaign.

Suitability/Feasibility: These sites could be marked through a series of highway wayside exhibits erected and maintained under a cooperative agreement between the National Park Service (through Big Hole National Battlefield) and the State of Montana.

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## SITE DESCRIPTION—MONTANA

### BEAR'S PAW BATTLEGROUND (CHIEF JOSEPH BATTLEGROUND OF THE BEAR'S PAW)

Location: Blaine County, Montana, 16 miles south of Chinook, off of a gravel road to Cleveland, Montana.

Ownership: 160-acre site owned by the State of Montana.

Historical Narrative: The Nez Perce, continuing their trek toward the Canadian border, camped along Snake Creek in a crescent-shaped area between the mouth of two coulees with open rolling grasslands on three sides. On September 29, 1877, Col. Nelson A. Miles from Fort Keogh found the camp and the following day launched a frontal attack. When the attack failed, Miles imposed a siege that lasted for six days when, after many deaths and much suffering among his people, Chief Joseph surrendered the remaining men, women, and children.

National Register/National Landmark Status: Designated a National Landmark under the "Nez Perce 1877 Campaign" theme, 1988. The boundaries of the monument and the NHL are not coextensive; this discrepancy should be reviewed if any action is taken to bring this unit into the National Park System. Site on Nez Perce National Historic Trail.

Condition: The battlefield remains largely unaltered and protected by its status as a state monument. There are two monuments in the park which the 1969 NPS report indicated were subject to some vandalism.

Interpretive Theme: As the site of the surrender of Chief Joseph, whose "speech" stirred the nation, and the conclusion of the 1877 war, this is one of the most significant sites associated with the Nez Perce campaign.

Suitability/Feasibility: This site is nationally significant and has high integrity. Comments on earlier drafts of this study from state officials and local citizens indicate strong interest in donating this site to the National Park Service. If it became part of the National Park System it would fall under the jurisdiction of the Rocky Mountain Regional Office and could be administered with cooperative agreements outlining areas of cooperation with Nez Perce National Historical Park.

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## SITE EVALUATION—WASHINGTON

### BURIAL SITE OF CHIEF JOSEPH THE YOUNGER

Location: The gravesite is at Nespelem, Washington, in a Nez Perce cemetery on the Colville Indian Reservation. Nespelem is approximately 16 miles north of Coulee Dam on State Route 155.

Ownership: Colville Indian Reservation.

Historical Narrative: The Colville Indian Reservation was created by an Executive Order of President Grant in 1872. It was set aside for the displaced bands of the northern Washington territory not included under any treaty with the United States. After their surrender at Bear's Paw Mountain on October 5, 1877, and their years of exile in the Indian Territory in present-day Oklahoma, Chief Joseph and his band were allowed to return to the Northwest, but to the Colville Reservation in eastern Washington, not to their Wallowa homeland. It is here that Chief Joseph spent his remaining years, still pleading to be allowed to return to the Wallowa, and where he died in 1904, sitting in front of his teepee fire, of a reported broken heart.

National Register/National Landmark Status: Needs a determination of eligibility.

Condition: This is an active cemetery containing a mixture of headstones, small tablets, and rocks carefully marking the final resting places of many Nez Perce. Chief Joseph's small monument is a central but not dominant feature; he is surrounded by the graves of other warriors and veterans of the 1877 war. The cemetery is very spartan with sparse vegetation in the form of native grasses, forbes, sage bush, and a lone tree near Chief Joseph's grave interspersed among the earthen mounds covering each grave. Each grave is maintained by family members; their varied brightly colored ornaments contrast with the overall somber character of the cemetery.

Interpretive Theme: This site provides the stage for discussing the final chapter of the Joseph band's odyssey from the Wallowa Country to the Colville Reservation. Against this somber background, wayside exhibits could discuss the dispersal of

Chief Joseph and his followers after their surrender at Bear's Paw and the subsequent history of the band on the Colville Reservation. The impact of important events such as the 1918 flu epidemic and the participation of young Nez Perce in World War II and the Korean conflict are tragically illustrated in the cemetery.

Suitability/Feasibility: If the existing legislation is amended to permit inclusion of sites outside of Idaho within the park, this site could be associated with Nez Perce NHP as a cooperative site. A cooperative agreement with the Nez Perce on the Colville Reservation could be sought that would provide for interpretation of the cemetery, primarily through wayside exhibits. This interpretation could be coordinated with other exhibits at the winter and summer campsites of Chief Joseph. Coulee Dam National Recreation Area could manage the site through a cooperative agreement with the Nez Perce, the Colville Reservation, and the park.

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## SITE EVALUATION—WASHINGTON

### NEZ PERCE CAMPSITES

Location: Colville Indian Reservation, Washington. "Last Campsite of Chief Joseph the Younger"—west of state Highway 155 and Nespelem Creek, about one mile south of the Nez Perce cemetery "Winter Campsite"—east bank of the Nespelem River.

Ownership: Uncertain.

Historical Narrative: These two sites have been identified by his descendents as the last campsites of Chief Joseph the Younger on the Colville Reservation. A Bureau of Indian Affairs survey, included in the 1969 NPS additions study, supports this identification.

National Register/National Landmark Status: Needs a determination of eligibility.

Condition: "Last campsite:" a ten-acre site on a gently sloping field bordered on the east by Nespelem Creek. In 1969 what appeared to be teepee or lodge platforms were visible; the site was field checked only with a drive-by view in 1987, at which time there was a considerable amount of structural scrap from a defunct sawmill littering the general vicinity. The "Winter Campsite" on the east bank of the Nespelem River was cut through from south to north by a service road. Little surface evidence of a village site was visible on the sagebrush-covered hillside.

Interpretive Theme: Together these sites illustrate the perpetuation of traditional seasonal movement from high to low ground by the Joseph Band after their exile to the Colville Reservation. This is particularly interesting given that the different climate and geology of the Colville area did not require such movement as a survival strategy; it was, instead, a memory of the more varied climate and topography of their Wallowa Valley home.

Suitability/Feasibility: These sites could be interpreted as cooperative units of the park through wayside exhibits in association with the Nez Perce cemetery where Chief Joseph the younger is buried. Amendment of existing park legislation to permit inclusion of sites outside of Idaho would be required.

Senator BUMPERS. Senator Craig, would you and Senator Burns like to compliment the Park Service on their perception and brilliance for agreeing to this?

[Laughter.]

Senator BURNS. It will not take me long to say yes.

Mr. Chairman, I just have a statement regarding this piece of legislation, and I would ask unanimous consent that statement be made a part of the record today.

Senator BUMPERS. Without objection.

[The prepared statement of Senator Burns follows:]

## PREPARED STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Mr. Chairman, thank you for holding this hearing today. Now that we have a number of bills which we will be hearing today, so I will keep my statement brief.

S. 550, an act to mend the Nez Perce national historical park, is an effort to broaden the recognition of a significant chain of events in the westward expansion of our country. Like many other national historical parks and battlefields, the Nez Perce Historical Park was created in such a manner that, until now, it only recognized a part of the Nez Perce story. This legislation expands the park so that the remainder of the story can be told.

Originally, the Nez Perce park was limited to the State of Idaho. This legislation recognizes the breadth of territory the Nez Perce covered and the extent of their travels as they were pursued by the U.S. Cavalry. Sites in Montana included in this bill include the Big Hole National Battlefield north of wisdom, a Nez Perce encampment site west of Laurel, and the site, south of Chinook, of the final battle at the Bears Paw in which Chief Joseph, upon surrendering, said "I will fight no more, forever".

The Bears Paw Battlefield is a Montana state park. Governor Stan Stephens has indicated a desire to donate this state park to the federal government if this legislation is enacted. This will certainly complement the other sites in this historical park.

Expansion of this historical park is important to our efforts to tell the story of the westward expansion of this nation. These sites are as much a part of the history of the United States as any revolutionary war or civil war battlefield sites. They deserve no lesser protection. All Americans should have the opportunity to learn more about this segment of American history. By expanding this national historical park we can provide that opportunity.

This legislation has my wholehearted support. I look forward to a good hearing and urge the committee to take prompt action. Thank you.

Senator BUMPERS. Senator Craig, I notice this is your bill. Would you like to make a comment for the record?

## STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Mr. Chairman, for some time we have been working to expand the ability of the Park Service to ensure the integrity of this particular national historic park from what has I think already been described as a reasonable, humble beginning to one that ensures the integrity of being able to preserve the history of Chief Joseph and the Nez Perce Indians. This proposal would allow that very type of thing to happen. I think it is an issue and it is presented in a way that assures that.

We are dealing with a willing seller basis. I think that is an important part of it. State and local governments—lands would be acquired only through exchange and donation. So, all of that type of thing fits in appropriately to this legislation I think.

I am strongly supportive of it and in its introduction, and would hope the committee would see fit to move it.

Senator BUMPERS. Thank you very much, Senator Craig.

Jerry, go ahead.

Senator CRAIG. Mr. Chairman, let me ask unanimous consent that my full statement be a part of the record.

Senator BUMPERS. Without objection, it will be inserted in the record.

[The prepared statement of Senator Craig on S. 550 follows:]

### PREPARED STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Mr. President, on March 15, 1991, I introduced a bill that reflects a bipartisan effort to amend the Nez Perce national historical parks authorizing legislation, P.L. 89-19. This legislation allows the addition of several sites of national and historical significance to this unique element of the National Park System.

In response to concerns from citizens of northeastern Oregon, the Umatilla tribe of Oregon, and the Nez Perce tribe of Idaho, to protect the grave site of old Chief Joseph located near the banks of Wallowa lake and to recognize, within the National Park System, sites that are central to the history of the Nez Perce tribe, the Park Service undertook a major study of the Nez Perce National Park System in 1988. This legislation is a result of a need to implement that study's recommendations.

The authorizing legislation for the existing park system calls for sites to be recognized "in the state of Idaho". This legislation amends the law to authorize the addition of 13 sites to the Nez Perce national historical park. Five of the sites are located in my home state of Idaho. The other sites are in the States of Oregon, Washington and Montana. The authorization also recognizes the Nez Perce involvement in Wyoming although no specific sites are named in that State. The inclusion of these sites in the Park System are justified for a couple of reasons. First, the Nez Perce people occupied a traditional homeland which exceeded 27,000 square miles. Second, the battles of the Nez Perce war trace a path from the banks of the Snake River dividing Oregon and Idaho, through Idaho to Wyoming and Montana. This legislation will allow recognition of the sites where this history was made.

The sites which the National Park Service has recommended to be included in the Nez Perce national historical park are such places as Old Joseph's grave in Washington, the Bear Paw Battlefield in Montana, canas meadows battle site in Idaho and other sites of great importance to the protection and interpretation of Nez Perce history and culture.

Mr. President, as a native of the State of Idaho, I learned the story of the Nez Perce war and of the bravery and leadership of Chief Joseph. He was one of this nation's finest statesmen, an eloquent leader who wanted nothing other than to protect his people from harm. The Nez Perce war of 1877 was the last official conflict between the United States and an Indian tribe. It marked the turning point of an era and set the stage for modern day relationships between the United States and the Nez Perce tribe. The statesmanship of Chief Joseph won him international praise and support for his requests to be returned from Oklahoma to his home in the northwest after the war. His acts and those of the Nez Perce people should be commemorated and remembered.

I am pleased to offer this bill to commemorate the sites of this important part of western history.

This bill will allow the National Park Service to maintain, protect, and interpret some of the most important battlefields, campsites and other significant areas on our nation's history.

The requirements in this bill that lands owned by state of local governments being acquired only by exchange or donation and that private land interests may only be acquired on a willing seller basis is central to my support of this bill. In my home State of Idaho where in excess of 60% of the land base is in public ownership, it is important we maintain such controls on public ownership.

Thank you, Mr. Chairman.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 638 AND H.R. 749

Mr. Rogers. On the subject of S. 638, concerning authorization of a donation of land for an addition to the Ocmulgee National Monument, we recommend that S. 638 or a similar bill passed by the House of Representatives, H.R. 749, be enacted. Those bills would authorize expansion of Ocmulgee National Monument to include an additional 18.6-acre parcel known as Drake's Field to be donated by the city of Macon.

The National Park Service, Mr. Chairman, recognized as long ago as the 1930's that this parcel would be desirable to include in the monument, but the owner at that time was unwilling to sell. The site shows extensive occupation during the historic period of the Creek Indians and also occupation during the early Mississippian period both of which are primary themes of the national monument. At one time this parcel of land had been part of an Indian village that surrounded a nearby funeral mound. The mound is in the monument, but this village land is not.

The parcel came into public ownership in 1971 when the city of Macon acquired it in part with Land and Water Conservation Fund assistance for use as a recreational park. In due course it became apparent that intensive use and development could not happen at that recreational park without causing irreparable harm to archaeological resources, and the city met its recreational needs at another location. The city council has adopted a resolution authorizing the transfer of Drake's Field to the National Park Service. We believe that would be a very good outcome, and we urge that it be favorably acted upon.

[The prepared statement of Mr. Rogers on S. 638 and H.R. 749 follows:]

### Prepared Statement of Jerry L. Rogers, Associate Director, Cultural Resources, National Park Service, Department of the Interior, on S. 638 and H.R. 749

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the Interior Department's views on S. 638, a bill to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia. H.R. 749, a similar bill, passed the House on April 24, 1991. We recommend that either bill be enacted.

The Ocmulgee National Monument is a unique concentration of archeological and architectural resources that document almost 10,000 years of human occupation in the southeastern United States. The archeological remains at the Monument include a variety of artifacts, earth mounds, and Indian villages ranging from about 250 to 10,000 years in age. The most spectacular archeological features for which the Monument is known are the mounds and earth lodge built by people who lived there during the period AD 900 to 1100.

Mr. Chairman, the Monument was authorized by Congress in 1934 and established by Presidential Proclamation in 1936. A subsequent Presidential Proclamation in 1941 enlarged the Monument by five acres. It now comprises 683.48 acres, including 45 acres in a detached portion known as the Lamar Unit. H.R. 749 would authorize expansion of the Monument to include an adjacent 18.6 acre parcel known as "Drake's Field," to be donated by the City of Macon.

I would point out here, Mr. Chairman, that the Park Service recognized in the 1930's that the Drake's Field parcel would be a desirable element to include in the Monument. But the owner had other plans for the property and was unwilling to sell. The parcel's archeological significance was further documented in a 1971 inventory of the area's archeological sites. At that time, artifacts collected at the surface of the Drake's Field site suggested extensive occupation during the Historic Creek period and also occupation during the Early Missippian Period, both of which are primary Monument themes. The 1971 report concluded that it was obvious the Drake's Field parcel had at one time been part of an Indian village that surrounded a nearby funeral mound already included in the Monument. It is our belief that still-buried cultural resources could be preserved if Drake's Field is brought into the Monument.

Mr. Chairman, the Drake's Field parcel came into public ownership in 1971 when the City of Macon acquired it, in part with Land and Water Conservation Fund assistance, for use as a recreational park. The parcel was actively used by the City for recreational purposes until it became apparent that intensive use and development could not take place at the site without causing irreparable harm to archeological resources. In 1982 the City opened a new park at another location, incorporating the recreational uses that had been intended for Drake's Field. Since then, Drake's Field has been used for informal recreational purposes.

Although the City's Public Works Department continues to mow and clean Drake's Field on a regular basis, it cannot devote the level of attention that is warranted. Indeed, unauthorized artifact collection now takes place at Drake's Field. The Park Service noted in a 1987 GMP Task Directive and in Ocmulgee's most recent Statement for Management that steps needed to be taken to better ensure the protection of the site's archeological resources. Placing the site under the jurisdiction of the National Park Service would be consistent with those recommendations.

The City of Macon has also recognized that the preservation of Drake's Field is integral to the preservation of Ocmulgee National Monument. It is for this reason the Macon City Council in 1990 passed a resolution authorizing the transfer of Drake's Field to the National Park Service to be included in Ocmulgee National Monument. I would add that the State's agency having jurisdiction over parks and historic sites has concurred in the City's proposal to transfer the land to the National Park Service.

In summary, Mr. Chairman, we believe that Drake's Field would make a logical and desirable addition to the Ocmulgee National Monument, and urge that the bill be favorably acted upon.

This concludes my prepared statement. I would be pleased to try to answer any questions you might have.

Senator **Bumpers**. Thank you very much.

I think that is one that everybody certainly is agreed on.

Mr. **Rogers**. Do you wish to proceed?

Senator **Bumpers**. Yes, please.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 639 AND H.R. 904

Mr. **Rogers**. On S. 629 and H.R. 904, directing the Secretary to prepare a theme study on African American history, our statement is quite similar to the earlier one on American labor history. We support enactment of either bill, but we suggest certain improvements in order to facilitate the study.

I want to point out that under our present thematic structure, we have a theme entitled Ethnic and Minority History, and there is subtheme related to African American history that was studied very extensively in the late 1970's. We did 3 years of work on the theme. We designated a total of 88 National Historic Landmarks, although even with that effort, we know there are gaps and there are areas that ought to be looked at further. We would note that since a theme study was done on the subject, the committee might wish to amend either bill to provide for a review of that study and updating it rather than just a new study.

Beyond that we have precisely the same concerns that we had on American labor history regarding the deadline and our ability to incorporate it into the budget cycle, and our concerns about the discussion of suitability and feasibility, and the cooperative agreements with outside organizations. We also recommend in this case that the authorization be changed to $250,000.

I think it is important, Mr. Chairman, to note that if we do a discussion of suitability and feasibility through a thematic structure approach, that discussion will be no more than a cursory review, and we hope that that would not be taken as a substitute for a genuine suitability and feasibility study that is an important step in our planning process.

[The prepared statement of Mr. Rogers on S. 639 and H.R. 904 follows:]

### Prepared Statement of Jerry L. Rogers, Associate Director, Cultural Resources, National Park Service, Department of the Interior, on S. 639 and H.R. 904

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 639. There is also pending before the Committee H.R. 904, a similar bill that passed the House of Representatives on May 7, 1991.

We believe there is adequate authority under existing law to accomplish the studies proposed in S. 639 and H.R. 904, and in fact, some properties associated with African American history have already been studied. Nonetheless, we support the enactment of either bill. We also suggest certain improvements in order to facilitate the study.

Both bills could direct the Secretary of the Interior within 3 years after enactment to prepare and transmit to Congress a National Historic Landmark Theme Study. The theme to be studied is African American history. Both bills direct the Secretary to identify possible new park units and discuss the feasibility and suitability of their inclusion in the National Park System; both bills also direct the Secretary to enter into cooperative agreements with organizations to prepare the theme study and ensure that it meets scholarly standards. The bills would authorize the appropriation of $500,000 to carry out the study.

Section 2(b) of the Historic Sites Act of 1935 authorizes the Secretary of the Interior to make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value in commemorating or illustrating the history of the United States. Section 4 of that Act also authorize's the Secretary, in administering the provisions of the Act, to seek and accept the assistance of any Federal, State, or municipal agency or any educational, scientific or patriotic association or any individual.

Under the authority of the 1935 Act, the National Park Service has conducted studies of many of the broad themes in American history. These studies identify which sites are, of national significance, and thereby eligible for designation as National Historic Landmarks.

One of the broad themes of American history that we have identified is Ethnic and Minority History. Under this theme history associated with all immigration after the Colonial period would be examined, including subthemes associated with specific nationalities and minorities.

In fact, the subtheme related to African American history was the subject of a landmark theme study in the late 1970s. Pursuant to that study and later related individual studies, which took 3 years to complete, a total of 88 National Historic Landmarks have been designated. There are gaps in landmark recognition in this area, however, such as the Freedmen's Villages of the Civil War and Reconstruction Era, and additional study would be appropriate. Since a theme study on this subject has already been done, the Committee might wish to amend either S. 639 or H.R. 904 to provide for a review of that study and updating it where necessary to include subject matter that was left out earlier.

We would note at this point, Mr. Chairman, that the 2-year Underground Railroad study required by Title VI of the Arizona Desert Wilderness Act of 1990 can be done consistently with an expanded African American theme study as proposed in the pending legislation. The 1990 law requires a study of potential new units of the National Park System and development of alternatives for preservation and interpretation. Designating and linking sites and programmatic initiatives are also called for in the 1990 law. The significance of Underground Railroad sites will be considered in any expanded African American theme study that we may conduct under this legislation, if it is enacted. No funding for the Underground Railroad study has been provided to date. We are also mindful of the requirement in section 1209 of the Arizona Desert Wilderness Act of 1990 to completely revise the National Park Service Thematic Framework. This revision is due to your Committee by the end of May 1992. We do not expect that the broad themes and subthemes represented in S. 639 and H.R. 904 could be deemphasized as a result of the revision required under Section 1209 of the 1990 Act.

Mr. Chairman, we request that the following concerns be addressed when the bills are considered by the full Committee. Completion of this theme study in a consistent and comprehensive manner will be facilitated if these concerns are addressed.

1. The bills require completion of the study within 3 years after enactment instead of within 3 years after funds are made available therefor.

We would prefer that the deadline be effective from the date that funds are made available for the study, which is similar to the Underground Railroad study. Without the necessary funds to complete this study, we would have to use funds identified for other studies in order to meet the 3-year deadline, and other earlier commitments could not be met. In addition, funding for this study would be subject to the budgetary priority setting process.

2. Both bills require that the theme study identify possible locations, components, and features of new park units. Studies of new park units require consideration of suitability and feasibility, which are not required in the usual history theme study. The theme study identifies sites that are potentially nationally significant. We believe a determination of national significance, through the medium of the theme study, should precede any formal suitability study of possible new park units.

3. The bills require that the Secretary enter into cooperative agreements with organizations to prepare the theme study and ensure that the study meets scholarly standards. National Park Service historians are qualified to prepare the study and if

we need to contract for portions of it the Service already has the option of concluding cooperative agreements. We cannot be sure, at this stage, that external groups or organizations would be willing and capable of conducting the study. I can assure the Subcommittee, however, that we will, in any case, seek review of the study by qualified historians outside the Service. If we conclude that contracts or cooperative agreements are desirable to accomplish the study, it is our intention to enter into such contracts or agreements through competitive bidding.

4. We recommend that the authorization in be changed to $250,000.

This amendment reflects our estimate of the cost of the theme study.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to your questions.

Senator BUMPERS. Thank you very much, Jerry. Go ahead.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 749

Mr. ROGERS. On S. 749, to rename and expand the boundaries of the Mound City Group National Monument, I would point out that in the event you have detailed questions, Superintendent William Gibson is available to help with answers.

Our basic position in this case is to request that the committee defer consideration of the measure pending the completion of land cost estimates that are now under way for the lands proposed for addition to the park. We believe that those estimates can be ready within a matter of about 6 weeks, and we think that they would be important.

We would note that the Congress has directed us in 1980 to study sites in that region that illustrate the Hopewellian civilization, and that study and an accompanying environmental assessment were completed in 1987. That study made a strong case for the addition of six Hopewellian sites to the park, but subsequent review has led us to the view that two of those sites are no longer suitable for addition. The remaining four sites are those identified in S. 749.

And likewise, the case is made for the name change suggested in section 1 to Hopewell Culture National Historical Park.

It is important to underscore that these sites are archaeologically significant in their own right, individually. They are not replicas of what already exists within the park, and they do contain important archaeological information that is not available elsewhere.

It is important also to note that human remains have been partially unearthed by a gravel mining operation that was temporarily suspended by the owner of the site, but I have been told that that suspension has expired, and the owner is again digging sand and gravel. We are concerned about that, and we are working closely with the Trust for Public Land in an effort to accurately assess the value of this particular parcel, along with estimates of the other three parcels, and we hope to make that information available as soon as possible.

I would be happy to attempt to answer questions.

[The prepared statement of Mr. Rogers on S. 749 and a subsequent submittal follow:]

## PREPARED STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 749

Mr. Chairman, it is a pleasure to appear before you today to present the Administration's position on S. 749, a bill which, if enacted, would rename and expand the boundaries of the Mound City Group National Monument in the State of Ohio.

We request the Committee defer consideration of this measure pending the completion of land cost estimates now underway for the lands being proposed for addition to the park.

S. 749, if enacted, would rename the monument the Hopewell Culture National Historical Park. Further, section 2 would revise the boundaries of the park to include four additional detached areas, each of which is specifically referenced by map title, number, and date. The Secretary would be authorized to make minor additions to these new areas or to the existing park following public notice and comment, except that the additions may not exceed ten percent of the total acreage of the park on the date of enactment.

Lands and interest in lands could be acquired by donation, purchase with donated or appropriated funds, or exchange. Lands and interests in lands owned by the State of Ohio or any political subdivision thereof may only be acquired by donation or exchange.

Section 3 would authorize the Secretary to enter into cooperative agreements with the Ohio Historical Society, the Archeological Conservancy, and any other public or private entities for consultation and assistance in the interpretation and management of the park.

Section 4 would require the Secretary to conduct archeological studies of the four additions to the park for the purpose of assuring that the boundaries described provide adequate protection for the archeological resources of those areas. The Secretary is further required to conduct archeological studies of three specified areas as well as other unspecified areas significant to Hopewellian culture and report to Congress on any which are recommended for addition to the park.

There would be authorized to be appropriated such sums as are necessary to carry out the purposes of S. 749, including land acquisition, archeological studies, and development of facilities for interpretation of the park.

Mr. Chairman, Title VII of Public Law 96-607, approved in December 1980, directed the Secretary to study "other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization that flourished in the Eastern United States" and further directed that he should identify those sites which should be protected as part of the Mound City Group National Monument. That study and an accompanying environmental assessment were completed in 1987. The study made a strong case for the addition of six Hopewellian sites to the park; however, subsequent review has led us to the view that two of those sites are not suitable for addition. The remaining four sites are those identified in S. 749. Likewise, a case is made in the study for the name change suggested in section 1 of S. 749 to the Hopewell Culture National Historical Park.

It is important to note that these additional sites being proposed for addition to the park are not only archeologically significant in their own right, but, further, the resources they contain are not merely replicas of what already exists within the boundaries of Mound City Group National Monument. Unlike the sites within the existing park which are related primarily to ceremonial aspects of Hopewellian culture, those being proposed for addition contain aspects of human habitation and, consequently, reveal a significant element of this culture heretofore not found in this region.

One site in particular is of concern to us, in that human remains have been partially unearthed by a gravel mining operation that has been temporarily suspended by the owner of the site, the Chillicothe Sand and Gravel Company. We realize, however, that it is not reasonable to expect this temporary self-imposed moratorium to remain in place forever, absent some expression of interest by preservationists to acquire the company's interests in the property. We are working closely with the Trust for Public Lands in an effort to accurately assess the value of this particular parcel and, along with estimates of the other three parcels this work is expected to be completed sometime around mid-summer.

Mr. Chairman, we have committed sufficient resources to acquire this cost data in a timely fashion. We suggest that decisions about the ultimate fate of these resources be deferred until that information is available both to the Congress and the Administration. I would be pleased to respond to your questions at this time.

Department of the Interior,
Office of the Secretary,
*Washington, DC, August 27, 1991.*

Hon. J. Bennett Johnston,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

Dear Mr. Chairman: On May 21, 1991, we testified before the Subcommittee on Public Lands, National Parks and Forests on S. 749, "To rename and expand the boundaries of the Mound City Group National Monument in Ohio." Our testimony requested that action be deferred on S. 749 until we had an opportunity to provide land cost estimates for the parcels being considered for addition to the national monument. Those estimates have been completed and reviewed by professionals within the National Park Service's Midwest Regional Offices in Omaha, Nebraska.

There are approximately 762 acres in the four sites that would be added to the national monument under S. 749, including some 48 improvements. Total estimated acquisition costs are approximately $3 million. As the National Park Service testified in May, these four sites were identified in a 1987 study as being suitable for addition to the Monument. One of these sites contains human remains and is in jeopardy from a gravel mining operation. Accordingly, we now recommend that S. 749 be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the starnpoint of the Administration's program.

Sincerely,

J.F. Spagnole,
*Deputy Assistant Secretary*

Senator Bumpers. I just have one question, Mr. Rogers, and that is you described the resources as significant and valuable. Then you describe a threat posed by a mining operation. On the other hand, you recommend deferring action until the cost estimates are made. Is that dangerous? Is there an imminent threat? Do you think we can wait that long?

Mr. Rogers. There is an imminent threat. The mining is taking place, as far as I know, as we speak. We do not believe the deferral would be for a very long period.

Senator Bumpers. Senator Craig, do you have any questions?

Senator Craig. No questions.

Senator Bumpers. Senator Metzenbaum.

## STATEMENT OF HON. HOWARD M. METZENBAUM, U.S. SENATOR FROM OHIO

Senator Metzenbaum. Mr. Chairman, let me just say that I appreciate you holding this hearing so promptly after I introduced the bill, along with Senator Glenn, to save ancient cultural archaeological treasures from further destruction.

I am frank to say to you that I am very much concerned that if we do not move, that the mining is going to go forward at this very site. They are in the process of mining it. It has to do with the Ohio Hopewell, a culture which archaeologists tell us thrived in eastern North America between 100 B.C. and 500 A.D.

A portion of one of the four sites to be protected by my bill is still in private ownership. A gravel company owns it, and recently began removing a 6-foot layer of topsoil to prepare for the gravel mining season.

In the process, they uncovered human bones at the site.

Senator Bumpers. Uncovered what?

Senator Metzenbaum. Human bones, human bones like you and me.

Park Service and State officials were notified and the bones verified as ancient. Native Americans removed and reinterred the bones elsewhere.

Further mining operations have been limited for the moment while representatives of the Park Service, the Trust for Public Land, the Archaeological Conservancy, the private owner, and others work to prevent the landmark from further destruction. So far the mining has been confined to a relatively small 4-acre area adjacent to the Hopeton Earthworks, but at this point we are relying on the goodwill of the mining company not to mine the site further.

It is clear that legislation is necessary to protect these resources from further destruction.

I want to show you some of the things that have been unearthed so far. One is this blue raven, and there are other artifacts that have been found. The president of The Archaeological Conservancy, Mark Michel, is here to testify. He will tell you more about the ancient Hopewell culture.

But before I leave you—and unfortunately, I must go to a hearing of the Environment Committee—I thought you ought to see these artifacts that have been recovered from the Hopewellian Mounds in Ohio. Archaeologists have concluded that the raven, which is the blue background, and the others on the red background, including the wonderful eagle claw, could only have been produced by a highly skilled class of professionals.

I would hope, Mr. Chairman, that we might move this bill promptly.

I have a longer statement I would like to include in the record, but I do not want to take up your time.

I feel that if we do so, we can save this site. If we do not do so, it will be gone by the boards and there would be no way of recovering it. So, I know that normally we do not like to move quite that rapidly, but the fact is the equipment is there to be doing the digging at this very moment as we sit here.

[The prepared statement of Senator Metzenbaum follows:]

## PREPARED STATEMENT OF HON. HOWARD M. METZENBAUM, U.S. SENATOR FROM OHIO

Mr. Chairman, thank you for holding this hearing on S. 749 so promptly after introduction of the bill. Along with Senator Glenn, I introduced this bill in March to save ancient cultural and archeological treasures from further destruction.

S. 749 will protect four sites recommended by the Park Service Midwest region for edition to the Mound City Group National Monument in southern Ohio.

Mound City was established in 1923 and is the only Federal area preserving and interpreting remains of the Ohio Hopewell, a culture which archaeologists tell us thrived in eastern North America between 200 b.c. and 500 a.d.

The bill will protect four of the best preserved, diverse, and archaeologically rich sites chosen by archaeologists from among over 100 sites in Ross County Ohio.

One of the four sites to be protected by my bill—the Hopeton Earthworks is within the national historic landmark but outside the current boundary of the monument. It is still in private ownership. The owner—a gravel company—recently began removal of a 6 foot layer of topsoil to prepare for the gravel mining season.

In the process they uncovered human bones at the site. Park Service and state officials were notified and the bones verified as ancient. Native Americans removed and reinterred the bones elsewhere.

Further mining operations have been limited—for the moment—while representatives of the Park Service, the trust for public land, the archeological conservancy, the private owner, and others work to prevent the landmark from further destruction.

So far, mining has been confined to a relatively small (4 acre) area adjacent to the Hopeton Earthworks. But at this point we are relying on the goodwill of the mining company not to mine the site further.

Mr. Chairman, it is clear that legislation is necessary to protect these ancient cultural resources.

I am proud of this unique part of North America's pre-Columbian history that we in Ohio and the United States have the privilege, the opportunity, and the obligation to preserve.

I am pleased that the president of the archeological conservancy, Mark Michel, is here to testify. He will tell you more about the ancient Hopewell culture. But before I leave you—and I must go to a hearing of the environment committee—I wanted to show you enlarged photographs of just a few of the very striking artifacts—that archaeologists have recovered from Hopewellian mounds in Ohio. Archaeologists have concluded that these artifacts could only have been produced by a highly skilled class of "professionals."

The existence of these objects, and the existence of professional artists, suggests that a complex, developed society thrived here in North America, between 200 b.c. and 500 a.d. Many questions remain about the Hopewells. Future research could provide much new information about the mounds and the Hopewell to the visiting public, scholars, and greatly improve interpretation at the park.

We know little of the origins of the Hopewell or why they suddenly disappeared after 600 years. Preserving these sites will enable future archaeologists to probe these questions about this mysterious culture that thrived centuries ago on the same land that we occupy today.

The Hopewell culture of southern Ohio was characterized by a highly developed prehistoric goods exchange system that linked populations throughout much of eastern North America in its day. The Hopewell culture is best known from southern Ohio where earthwork and mound sites are particularly abundant. Archeological investigations of these mortuary and ceremonial sites have produced substantial data on the ritual components of Hopewellian life. The culture is characterized by elaborate burial ritual and the presence of exotic mortuary offerings. Much less is known about the daily, life of these people.

My bill will protect four of the best preserved, diverse, and archaeologically rich sites. Many other sites of cultural importance have been identified in this area through archeological investigations dating back to the early 19th century. Unfortunately, many of these important archeological resources have been destroyed through the years by railroads, highways, and agricultural and commercial development.

In recognition of these factors and the significance of the remaining Hopewellian resources, the National Park and Recreation Act of 1980, Public Law 96-607, authorized up to 150 acres at the nearby Hopeton earthworks to be added to the Mound City Group Monument. This law also required that the Secretary of the Interior investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization and identify those sites which he determines should be protected as part of the Mound City Group National Monument.

Pursuant to the 1980 Act, the Midwest region of the Park Service conducted a study that recommended the addition of four additional sites of 112 Hopwellian sites in Ross County, Ohio. My bill follows the Park Service Midwest region's recommendation and protects the four sites—Hopeton Earthworks, High Banks Works, Hopewell Mound Group, and the Seip Earthworks.

The sites recommended for addition by the Park Service and included in my bill were selected because they represent major Hopewell Earthwork complexes which still retain a reasonable degree of integrity. There is also sufficient data from earlier surface collections and excavations at these sites to document that the sites contain significant Hopewellian remains. Each of the sites included in the study represents a ceremonial center which contains a great deal of information about the culture. Each of the ceremonial centers is unique in its configuration of mounds and earthworks, and it is likely that the rôle each site played in the Hopewell culture was somewhat different. While it would be desirable to also preserve Hopewell sites other than mounds or earthworks, and it is very likely that significant sites of this type are present in the study area, the Park Service found that there is insufficient data to justify a recommendation to preserve such other sites at this time.

My bill authorizes the Park Service to study two additional sites for possible future inclusion in the historical park that the Park Service suggested needed additional study—the Spruce Hill works and the Harness group—as well as a third site, the Cedar Bank Works, that is currently listed on the National Register of Historic Places and which because of its unique design, good state of preservation, its association with protected sites, and the threat of possible destruction should be studied and considered for possible future inclusion. My bill would also rename the monument to the Hopewell Culture National Historical Park to more accurately reflect its full scope and purpose.

Since the first Europeans entered the Ohio Valley the unique remains of a great prehistoric culture has mystified and intrigued Americans. While a great deal of excavation was carried out in the 19th and early 20th century on some of these great moundbuilder sites, it is still a mystery as to who the Hopewellians were, where they came from and where they went. The great trade networks that collected exotic materials from across the continent are unexplained. The villages and habitations of the people are virtually unknown.

Scholars know little of the technology or use of the building of vast and accurate circles squares and hexagons. In the future, perhaps archaeologists will be able to use new techniques including carbon 14 dating, obsidian hydration, aerial and other remote sensing to unravel the mysterious legacy that remains from ancient times. Future research could provide much new information to the visiting public, scholars, and greatly improve interpretation at the park.

My bill will preserve some of these unique ancient sites today for present education and enjoyment and for future research.

I am proud to say that S. 749 has the support of the Archeological Conservancy, the National Parks and Conservation Association, the Wilderness Society, the Nature Conservancy, the Ohio Historical Society, and the Ohio State Historic Preservation Office.

Mr. Chairman, thank you again for holding this hearing. I am confident that the bill will pass and that the Hopeton site and the other three sites will be protected. The important thing is to get that word to the gravel company and those working to preserve the site. With your help and that of my colleagues on the committee, you can send that message by reporting the bill favorably at the earliest possible time.

Thank you Mr. Chairman.

Senator BUMPERS. Jerry, what kind of time frame do you think we are talking about here if we take your suggestion?

Mr. ROGERS. We believe we can have the estimates to you by about July 1.

Senator BUMPERS. Of this year?

Mr. ROGERS. Yes, sir.

Senator BUMPERS. Well, that seems certainly suitable. What is wrong with that, Howard?

Senator METZENBAUM. I do not think we can keep the gravel site owner—it is his land. And he is there actually right now digging.

Senator BUMPERS. Tell him I said quit it.

[Laughter.]

Senator METZENBAUM. I have been telling him the same thing. May I make a suggestion, Mr. Chairman?

Senator BUMPERS. Certainly.

Senator METZENBAUM. If it is at all possible to move the bill out of committee to the floor and meanwhile to see whether or not the Park Service people could not sit down with the trust and negotiate an agreement with the man to keep him from going further, and see if you cannot come to some agreeable price—we are talking about 5, 6 weeks I know, but I am concerned that once it is gone, it will be gone. I wonder if the Park Service would not find that to be an agreeable procedure and whether you could not accelerate the process a bit.

Mr. ROGERS. We would be very happy to attempt to negotiate with the landowner as we have negotiated for the past few years, but the Senator does make a good point. No one has any authority at this stage. I would feel that we would be on pretty dangerous ground to begin to negotiate prices before a statute was in place.

Senator **Metzenbaum**. Would you be more comfortable if we passed the statute subject to your being able to work out an agreeable price?

Mr. **Rogers**. If the Congress passes a law, we could begin to negotiate. There is no question about that. We just normally like to provide the Congress an estimate of the cost before legislation is enacted, and that is what we are recommending in this case.

Senator **Bumpers**. Senator Metzenbaum, we might be able to talk to Senator Johnston. Since we have a markup in the morning, we might get him to report this bill out, get it to the floor, and you can prevail on Senator Mitchell to try to get unanimous consent to bring it up and pass it, and maybe get it out of here tomorrow.

Senator **Metzenbaum**. That would be very helpful.

Senator **Bumpers**. You would have to do all this by unanimous consent, of course, but I do not think there would be any objection to it. Get it over to the House.

Senator **Craig**. Mr. Chairman?

Senator **Bumpers**. Senator Craig?

Senator **Craig**. Let me ask Senator Metzenbaum a couple of questions, if I might.

What is the current relationship with this landowner? Would this be a negotiated sale, a willing buyer, a willing seller? Is this man willing to sell if the price is right? Has he expressed that?

Senator **Metzenbaum**. Yes. The answer is yes. He is willing to sell. And I think he is a decent fellow and trying to be cooperative, but I think he is saying at the same time, look, I would like to go ahead with my business operations if you are not going to buy it.

And I am not saying what we should pay for it. I think that is a decision for the Park Service to make.

Senator **Craig**. What was the date on that raven? Do we have any dates on these artifacts?

Senator **Metzenbaum**. The period of when this occurred, 100 B.C., somewhere in that area. I cannot be specific. Perhaps Mr. Michel would know what is the time period we are talking about.

Mr. **Michel**. Around the time of Christ plus or minus 100 years, roughly 100 B.C. to 100 A.D.

Senator **Craig**. It shows a reasonably advanced culture, does it not?

Mr. **Michel**. Yes.

Senator **Craig**. Fascinating.

Thank you.

Senator **Bumpers**. I think, Jerry, the best thing for us to do is to try to do just what I described and get it over to the House. Is there a similar bill pending in the House?

Senator **Metzenbaum**. No, but I feel confident that we could move it expeditiously.

Senator **Bumpers**. Have you talked to Congressman Vento?

Senator **Metzenbaum**. No, but I have a good relationship with him.

Senator **Bumpers**. I would suggest you do that.

Senator **Metzenbaum**. All right. I did not know who had the jurisdiction. Vento?

Senator **Bumpers**. Yes.

Go ahead, Jerry.

Senator Metzenbaum, I will try to be as helpful as I can on that.

Senator METZENBAUM. I appreciate it very much.

Mr. ROGERS. I think it is essential to understand that without an estimate we have no basis on which to negotiate. However, it is perfectly possible that the landowner might be favorably influenced by an action.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 996; ACCOMPANIED BY WILLIS KRIZ, CHIEF, LAND RESOURCES DIVISION, AND JACK LINAHAN, SUPERINTENDENT, BUFFALO NATIONAL RIVER

Mr. ROGERS. Since I am hoping that my friend, Bob Stanton, will arrive here in time to discuss the Mary McLeod Bethune subject, I would skip on to the Buffalo River Bill for the relief of Harold and Margaret Hedges, S. 996.

Mr. Chairman, we do not support enactment of S. 996.

I believe you do know the facts of that. In October 1979, the Hedges elected a 25-year reservation of use and occupancy on a 3-acre homesite and an additional 42 acres of their 711-acre holdings within Buffalo National River when they sold it to the National Park Service for $475,000. On January 1, their house was destroyed by fire, and on January 10, 1991, the National Park Service offered to acquire the remaining use and occupancy reservation for $3,291.64. That was based on a pro rata share of the remaining value of the reservation for the land only, the residential portion of that reservation having no remaining value, and we do not feel authorized to purchase something which no longer exists.

At one time the Government required reservation holders to purchase insurance against such eventualities and to name the Government as the beneficiary. We no longer do that.

We have made an offer to extinguish the remaining term of the Hedges' reservation, and the offer still stands. If S. 996 were to be amended to reflect the offer, of course, we would not object to its passage.

Are there questions on that?

[The prepared statement of Mr. Rogers on S. 996 follows:]

### PREPARED STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 996

Mr. Chairman, it is a pleasure to appear before you today to testify on S. 996, a bill to provide for the relief of Harold and Margaret Hedges of Harrison, Arkansas. We do not support enactment of S. 996.

If enacted, S. 996 would direct the Secretary to terminate the reservation of use and occupancy of Mr. and Mrs. Hedges and refund the unused portion of their reservation on a pro rata basis beginning on January 1, 1991, and ending on October 25, 2004. The full value of the reservation at its execution in 1979 and that which is to be pro rated is $19,149 for both land and improvements.

Mr. Chairman, in October 1979 the Hedges elected a 25-year reservation of use and occupancy on a 3-acre homesite and an additional 42 acres of their 711-acre holdings within the Buffalo National River when they sold it to the National Park Service for $475,000 pursuant to Public Law 92-237, which authorized such reservations. On January 1, 1991, we are told, the house was destroyed by fire. They now seek a refund for the unused portion of their reservation, apparently having decided not to rebuild their house or otherwise convey their interests as the reservation permits.

Mr. Chairman, it is not unusual at Buffalo National River for the government to terminate use and occupancy reservations and purchase the remaining unused portions. Over the years since the park's establishment we estimate that we have reacquired more than ten percent of the more than 200 reservations elected. As a matter of record, on January 10, 1991, the park Superintendent offered in writing to acquire the Hedges' remaining use and occupancy reservation for $3,291.64. This figure was based on a pro rata share of the remaining value of the reservation for the land only. Due to the unfortunate loss of the residence, that portion of the original reservation has no remaining value. To now require the taxpayers to purchase something which no longer exists seems somehow unreasonable.

As a matter of fact, the government can be viewed in this case to have been the loser, in that the house which it owned by virtue of the acquisition in 1979 and of which it stood to gain possession in 2004 when the Hedges' reservation expires. At one time the government required reservation holders to purchase insurance against such eventualities and name the government as a beneficiary. We no longer do this in most cases due to the prohibitive costs involved for the reserver.

Mr. Chairman, we have made a bona fide offer to extinguish the remaining term of the Hedges' reservation. That offer still stands. Were S. 996 to be amended to reflect this offer we would not object to its passage, in spite of the fact that the authority to enter into such an arrangement already exists.

Mr. Chairman, this concludes my testimony on this measure. I would be pleased to respond to your questions at this time.

Senator BUMPERS. Yes, there are.

I must say I really do not understand the Park Service's reticence about this. That seems to me as clear as the nose on your face.

Let me ask you this. What if the Hedges who have from now until what—the year 2004—decided to build a—now this is going to be wilderness. This is in a wilderness. Let us assume they decide to build a million-dollar mansion to replace that. What would you do with that at the end of the period?

Mr. ROGERS. Mr. Chairman, I think it is very important for me to call upon Will Kriz, the Chief of our Lands Division, who is most familiar with our policies.

Mr. KRIZ. Mr. Chairman, the reservation language limits the reconstruction to a residence of the same size and character as the one that was destroyed. They could not build a million dollar mansion.

Senator BUMPERS. Well, what if they did that? What would you do with it in the year 2005? Tear it down?

Mr. KRIZ. Probably the same thing that we would do with the structure had it not been destroyed.

Senator BUMPERS. Destroyed it? Torn it down?

Mr. KRIZ. I expect so.

Senator BUMPERS. Do you not know?

Mr. KRIZ. I do not think we can make that judgment now, but I would expect that we would probably take the structure out.

Senator BUMPERS. Well, if I had a home and I offered to rent it to you for 25 years for $20,000 or, say, $25,000 for that matter, and you enter into it, and you pay me $20,000 on the front end to live in my house for 25 years, and let us say a year after you move into it, it burns. Are you going to continue to honor this lease? Are you going to continue to pay me $1,000 a year or whatever it is?

Mr. KRIZ. I would have already paid you. I would have already paid you for the occupancy.

Senator BUMPERS. Well, let us do it that way. Let us assume that I am renting you my home for 25 years for $25,000. And you pay me $25,000 on the front end. Or let us do it better. Let us say you pay me $20,000, which is the discounted value of $25,000. That would make it a more sensible arrangement for everybody. And then make it 6 months after you move in the place burns. Are you going to ask me for any money back?

Mr. KRIZ. I will acknowledge that it was my responsibility to maintain the premises.

Senator BUMPERS. What if somebody came in while you were gone and burned the place down? You did not do it and I did not do it.

Mr. KRIZ. Well, it was not your fault either. It was not either of ours fault.

Senator CRAIG. Mr. Chairman?

Senator BUMPERS. Yes.

Senator CRAIG. I tell you right now I would not have signed that kind of lease agreement unless there had been a provision in it that said——

Senator BUMPERS. Somebody is going to carry insurance?

Senator CRAIG. Well, not only the insurance, but I am going to be able to live there throughout the period of the term, that that dwelling will exist during that period of time. If it ceased to exist, I cannot honor my side of that commitment, and I certainly am not going to put $20,000 up front for a 20-year lease without that kind of commitment.

Senator BUMPERS. But in this case, the occupant did not have any choice but to pay it up front because when the Park Service settled with him, they said if you want to maintain this house, if you want to live in this house for 25 years, we will discount what we are going to pay you by $19,000, which is tantamount to paying. He could have collected his $19,000 then and been gone.

Senator CRAIG. Walked away.

Senator BUMPERS. Yes.

I think it is a strange, strange policy.

Mr. KRIZ. Well, the lessee or the reserver in this case is responsible for insuring his interests in the property. He chose not to do so. The structure belongs to the United States and he is occupying it——

Senator BUMPERS. How could he buy insurance on something he does not own?

Mr. KRIZ. He certainly can.

Senator CRAIG. Renter's insurance.

Senator BUMPERS. Can he buy renter's insurance?

Senator CRAIG. You can even buy structural renter's insurance. It is rare, but you can get it.

Senator BUMPERS. Is there anything in the agreement you signed with him that made him responsible?

Mr. KRIZ. Certainly.

Senator BUMPERS. What does it say?

Mr. KRIZ. There is a section about the maintenance of the reserved premises. The reserver shall keep the grounds and premises in neat and clean condition, shall not commit waste, be responsible for all costs arising out of the use of the reserved premises, including all costs of maintenance and repair and all utility charges. The United States has no responsibility for any charges or expenses in connection with the reserved premises. This is paragraph 4 of the reservation.

Under precautions, the reserver shall take reasonable care to avoid damage to adjacent Federal lands.

Senator **Bumpers**. Do you have any proof that he did not honor every one of those commitments?

Mr. **Kriz**. No, we do not. We do not, but under paragraph 8, the reserver is responsible for insuring his interest in the reserved premises. He chose not to do so.

Senator **Craig**. Mr. Chairman, where it is obvious that you are recognizing a value in the land that remains for his use, is there any restriction from him moving in a mobile or a portable facility for the length of the extended period of the time of the lease, like a trailer home or something that he could actually move in and stay and recognize or enjoy the property through the term?

Mr. **Kriz**. I think there is a provision that says the reserved premises, if it is to be replaced, has to be replaced in kind. I do not believe that that would preclude his moving in a mobile home.

Senator **Craig**. In kind might mean a housing shelter unless you have defined in kind to mean of like roof and like color and all kinds of like things as you often times do in scenic easements.

Mr. **Kriz**. Perhaps.

Senator **Craig**. I am sure you could get two definitions of what in kind or in like kind might mean.

Mr. **Kriz**. Paragraph 3 of the reservation says that "the reserver shall not add to or materially alter the character of existing improvements or structure or perform any new construction or change the topography of the land without first having obtained the permission in writing of the National Park Service. Any building or structure damaged or destroyed by fire or other casualty or deteriorated by the elements or wear and tear may be maintained, repaired, renovated, remodeled, or reconstructed at the reserver's expense as long as the basic character of the building or structure is not materially altered."

Senator **Craig**. I hear you. It sounds like you have covered your options and clarified the property or the individual's options.

Mr. **Rogers**. Senator Craig, also present is Buffalo National River Superintendent John Linahan, and he tells me that if such an event were to come to pass, that he would be willing to make an exception and allow something like a trailer.

Senator **Bumpers**. Be willing to make an exception to what?

Mr. **Rogers**. And to allow something like a trailer for the remainder of the occupancy.

Senator **Craig**. How many years are left?

Mr. **Rogers**. The year 2004 I believe is when it terminates.

Senator **Craig**. Fourteen years in other words.

Mr. **Kriz**. The reservation is about half gone. If the house had not burned and the Hedges had chosen to vacate, then we would pay them approximately $9,000, approximately $6,300 more than for the vacant land.

Senator **Bumpers**. I am not following you on that. I thought it was $19,000.

Mr. KRIZ. We originally deducted $19,000, but the reservation is now half gone. So, we would have prorated the $19,000. In other words, $9,300 or $9,400 I believe is what they would be entitled to.

Senator BUMPERS. Oh, on a pro rata basis.

Mr. KRIZ. On a pro rata basis.

Senator BUMPERS. I see.

Mr. KRIZ. But without the building, then it is our position that they are entitled to $3,291 as of about 3 months ago.

Senator CRAIG. How accessible is the property? Does it have a road to it, a reasonable road? It is not something that is like a cabin that——

Mr. ROGERS. In fact, it is pretty much in the back country. Perhaps Superintendent Linahan could comment on that, if you would permit, Mr. Chairman.

Senator BUMPERS. Yes, go ahead.

Mr. LINAHAN. Mr. Chairman, the house is accessible by about a one-half mile gravel road off of a maintained State highway. So, there is no problem of accessibility.

Senator CRAIG. Mr. Chairman, in other words, it would be possible to move in a mobile or a portable dwelling if that were something that were acceptable to the Park Service. Is that correct?

Mr. LINAHAN. Right. The key to that would be possible. It is not an improved road. It is really a secondary road. It could be done, but it would be difficult.

Senator BUMPERS. How big a house was it? Do you know in square feet?

Mr. LINAHAN. About 1,800 square feet, and it had a loft, a large kitchen, attached garage. Culturally it was quite unique in that all of the wood in the house was from old barns in the area, all over the Ozarks.

Senator BUMPERS. Had they built the house?

Mr. LINAHAN. Yes, they built it themselves.

Senator BUMPERS. How old was it?

Mr. LINAHAN. 1968, 1969.

We understand the emotional impact on the Hedges. I have talked with them numerous times myself. And respecting the Chairman's position and prerogatives, we feel that it was a real estate deal, and we lived up to our end, and they did theirs.

Senator CRAIG. Mr. Chairman, are the Hedges willing to accept the $3,291?

Mr. LINAHAN. No. I think that is what this is all about. They prefer the larger sum.

Senator CRAIG. I did not read the details of it, so I am tracking around the edges. I see.

Senator BUMPERS. Have we covered everything, Jerry?

Mr. ROGERS. Yes, sir. We would offer, if the chairman wishes, the warranty deed for the record.

Senator BUMPERS. Yes, by all means.

Mr. ROGERS. I am happy to do that.

[The warranty deed follows:]

BUFFALO NATIONAL RIVER
TRACTS 66-104, 66-111 & 66-112

FILED FOR RECORD
This 5 day of Nov, 1979
at 3 o'clock P. M.
Sybil Hamilton
Clerk

RECORDED AND CERTIFIED
In Book 54-A, Page 399
This 5 day of Nov, 1979
Sybil Hamilton
Clerk
By: Ruth [illegible] D.C.

THIS DEED PREPARED BY THE
NATIONAL PARK SERVICE

# WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, HAROLD C. HEDGES, AKA Harold Hedges, and MARGARET R. HEDGES, his wife, GRANTORS for and in consideration of the sum of ($475,000.00) FOUR HUNDRED SEVENTY-FIVE THOUSAND AND NO/100----DOLLARS (allocated as $429,145.00 for Tract 66-104, $43,575.00 for Tract 66-111, and $2,280.00 for Tract 66-112, of which $455,852.00 is paid in cash and 25 years retained USE and OCCUPANCY valued at $19,148.00) in hand paid by the UNITED STATES OF AMERICA, whose address is WASHINGTON, D.C. 20240, GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said GRANTEE and unto its assigns forever, the following lands lying in Newton County, Arkansas, to wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND THEREBY MADE A PART HEREOF.

THE LAND IS conveyed subject to existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches or canals, and outstanding mineral rights as reserved in Book 34, page 134, Newton County, Arkansas records.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

THE GRANTORS further remise, release, and forever quitclaim to the UNITED STATES OF AMERICA and its assigns, all right, title and interest which the GRANTORS may have in the banks, beds, and waters of any streams bordering the said land and also all interest in any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress.

THE GRANTORS reserve only the following rights in the above described property: TWENTY-FIVE YEARS (25) USE and OCCUPANCY of 45 acres, more or less, for agricultural and residential purposes as set forth in EXHIBIT B attached hereto and thereby made a part hereof.

TO HAVE AND to hold the same unto the said GRANTEE, and unto its assigns forever, with all appurtenances thereunto belonging.

AND WE HEREBY covenant with said GRANTEE, that we will forever warrant and defend the title to the said lands against all claims whatever.

AND I, MARGARET R. HEDGES, wife of the said HAROLD C. HEDGES, AKA Harold Hedges, for and in consideration of the said sum of money, do hereby release and relinquish unto the said GRANTEE, all my right of dower and homestead in and to the said lands.

THIS LAND IS being acquired by the Department of the Interior, National Park Service.

WITNESS OUR hands and seals on this 25 day of October, 1979.

Harold C. Hedges
Harold C. Hedges, AKA Harold Hedges

Margaret R. Hedges

JUL 12 1980

United States Department of the Interior
OFFICE OF THE SOLICITOR
FIELD SOLICITOR
RM. 224, U.S. COURTHOUSE
P.O. BOX 1042
SANTA FE, NEW MEXICO 87501

July 10, 1980

Land Acquisition Officer
Buffalo National River
P. O. Box 1073
Harrison, Arkansas 72601

Dear Sir:

Re: **Project:** Buffalo National River
**Consideration:** $43,575.00 **Tract No:** 66-111
**Acreage:** 79.04 **County:** Newton **State:** Arkansas
**Date of Preliminary Opinion:** April 12, 1977

**Estate Acquired:** Fee Simple

**Vendors:** Harold C. Hedges and Margaret R. Hedges

**Deed dated:** October 25, 1979 **Filed:** November 5, 1979
**Recorded in Book:** 59-A **Page:** 399
**Title Evidence No:** US 1239036
**Prepared by:** St. Paul Title Insurance Corporation

An examination has been made of the title evidence and the related papers pertaining to certain land and interests therein which have been acquired under the authority of existing legislation. The land and estate acquired by the United States of America are more particularly described in the attached deed.

The attached final title evidence and accompanying data disclose valid title to be vested in the United States of America, subject to existing easements for public roads and highways, rights of way for railroads, pipelines and public utilities, the rights and easements noted in Schedule B of the attached title evidence, and any reservations contained in the deed and option, which rights, easements and reservations, if any, are in compliance with existing statutes and are such as the National Park Service has advised will not interfere with the proposed use of the land.

Sincerely yours,

Gayle E. Manges
Field Solicitor, Santa Fe

cc:
Assistant Attorney General, Land & Natural Resources Division
Regional Solicitor, Tulsa

## EXHIBIT A

### TRACT NO. 66-104

All that certain tract or parcel of land lying and situate in Sections 21, 22, 27, & 28, Township 15 North, Range 23 West, Fifth Principal Meridian in the County of Newton, Arkansas, being more particularly described as follows:

The Northeast Quarter of the Southeast Quarter and the South Half of the Southeast Quarter of Section 21;

Also, the Southeast Quarter of the Northwest Quarter and the Southwest Quarter, all in Section 22;
Also, all that part of the Northeast Quarter of the Northwest Quarter lying North of the Bluff on the South side of Buffalo River; also a strip of land 105.00 feet, more or less, East and West and 420.00 feet, more or less, North and South out of the Northwest corner of the Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest Quarter and all that part of the Southwest Quarter of the Northwest Quarter lying to the West of a line beginning at the center of the North Line of said forty, thence Southerly 300.00 feet, more or less, thence Southwesterly to the Southwest corner of said forty, all in Section 27;
Also, the Northeast Quarter and the East Half of the Northwest Quarter of Section 28.

Containing 629.00 acres of land, more or less.

### TRACT NO. 66-111

All that certain tract or parcel of land lying and situate in Section 22, Township 15 North, Range 23 West, Fifth Principal Meridian, in the County of Newton, Arkansas, being more particularly described as follows:

The Northwest Quarter of the Northeast Quarter and all that part of the South Half of the Northeast Quarter of Section 22 that lies West of the Bluff on the West side of the Buffalo River described as follows:

Beginning at the Southwest corner of the Northeast Quarter of Section 22;
thence East with the South line of the Northeast Quarter of said Section 1,040.00 feet, more or less;
Thence, North 31° 00' 00" East, 580 feet, more or less;
Thence, North 03° 30' 00" West, 280 feet, more or less;
Thence, North 01° 30' 00" East, 330 feet, more or less;
Thence, North 25° 00' 00" East, 230 feet, more or less, to the North line of the South Half of the Northeast Quarter of Section 22; thence West with said Section line to the Northwest Corner of the South Half of the Northeast Quarter of Section 22; thence South with the West line of the South Half of the Northeast Quarter to the Point of Beginning.

Containing 79.04 acres of land, more or less.

TRACT NO. 66-112

All that certain tract or parcel of land lying and situate in Section 22, Township 15 North, Range 23 West, Fifth Principal Meridian, in the County of Newton, Arkansas being more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of Section 22; thence East with the South line of the Northeast Quarter of said Section 22 to the centerline of the Buffalo River and the true Point of Beginning; thence Northerly with the centerline of the Buffalo River to the South line of the Northeast Quarter of the Northeast Quarter of Section 22; thence West with said section line 80.00 feet, more or less;

Thence South 25° 00' 00" West, 230 feet, more or less;
Thence South 01° 30' 00" West, 330 feet, more or less;
Thence South 03° 30' 00" East, 280 feet, more or less;
Thence South 31° 00' 00" West, 580 feet, more or less, to the South line of the Northeast Quarter of Section 22;
Thence East with said Section line to the Point of Beginning.

Containing 2.96 acres of land, more or less.

## EXHIBIT B

Conditions of
Use and Occupancy of
Single Family Noncommercial Residential Property and
Land Used for Agricultural Purposes

1. Definitions. Within the meaning of this instrument, "single family noncommercial residential purposes" is occupancy of the reserved premises solely as a residence by an individual or by a family unit united by blood or marriage. "The Reserver" is the person or persons conveying the land covered by this instrument to the United States and reserving a right of use and occupancy for noncommercial residential and agricultural purposes over all or part of it. The reserved premises is the area covered by the right of use and occupancy for noncommercial residential purposes and the land used for agricultural purposes only (including, but not limited to, grazing).

2. Use. The reserved premises shall be used only for noncommercial residential purposes and for agricultural purposes (including grazing). The reserved premises shall not be used for any commercial, industrial, mining or similar use or for the accommodation of any paying guests. The Reserver in the use of the premises shall conform to all applicable laws, ordinances, and regulations in effect in the area, including but not limited to all applicable general National Park Service regulations and general and specific regulations for the area in particular. Farming and grazing shall be carried out in conformity with good husbandry practices.

3. Preservation. The Reserver shall not add to or materially alter the character of existing improvements or structures or perform any new construction of change the topography of the land without first having obtained the permission in writing of the National Park Service. Any building or strcture damaged or destroyed by fire or other casualty or deteriorated by the elements or wear and tear may be maintained, repaired, renovated, remodeled or reconstructed at the Reserver's expense as long as the basic character of the building or structure is not materially altered.

4. Maintenance of Reserved Premises. The Reserver shall keep the grounds of the reserved premises in a clean and neat condition and shall maintain all structures and improvements in good repair. The Reserver shall not commit

waste on the reserved premises. The Reserver is responsible for all costs arising out of the use of the reserved premises, including all costs of maintenance and repair and all utility charges. The United States has no responsibility for any charges or expenses in connection with the reserved premises.

5. Precautions. The Reserver shall take reasonable care to avoid damage to adjacent or nearby Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved premises, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property.

6. Taxes. The Reserver is responsible for the payment of any taxes or assessments that may be levied against his interest in the reserved premises.

7. Liability. The Reserver shall hold the United States harmless for any liability arising out of the use of the reserved premises by the Reserver. The Reserver shall at his expense carry such public liability insurance as is customary by homeowners and agricultural operators in the vicinity, providing such insurance is available.

8. Insurance. The Reserver is responsible for insuring his interest in the reserved premises.

9. Transfer. The reserved premises may be conveyed or leased for not less than 90 days by the Reserver or his successors or assigns provided the instrument of conveyance or lease imposes on the new Reserver all of the restrictions and requirements of these provisions. A copy of any such conveyance or lease shall be furnished the National Park Service prior to the effective date of such conveyance or lease.

10. Expiration of Term. The Reserver shall peacefully relinquish possession and control of the reserved premises upon the expiration of the term of the right of use and occupancy. He shall leave the reserved premises in a neat and clean condition. He shall not remove any structures or other improvements which are permanently affixed to the realty unless proper arrangements, with adequate consideration for such removal, have been made with the National Park Service. Any personal property left on the reserved premises upon the expiration of the term may be disposed of by the National Park Service.

11. Waiver of Replacement Housing Benefits. The Reserver fully understands that by reserving the right of use and occupancy reserved herein he waives replacement housing benefits under Sections 203, 204, 205, and 206 of Public Law 91-646.

12. Description of Reserved Premises. The area reserved by the Reserver as the reserved premises, if less than the area described in this conveyance instrument, is described as follows:

All that part of the Northwest Quarter of the Northwest Quarter of Section 27 lying East of the Buffalo River.

All that part of the Southwest Quarter of the Southwest Quarter of Section 22 lying South of the Buffalo River.

All the above in Township 15 North, Range 23 West, Newton County, Arkansas, and containing in the aggregate 45 acres, more or less.

## ACKNOWLEDGMENT

STATE OF Arkansas )

COUNTY OF Newton )

ON THIS DAY personally appeared before the undersigned, a Notary Public, within and for the County and State aforesaid, duly qualified, commissioned and acting, HAROLD C. HEDGES, AKA Harold Hedges, and MARGARET R. HEDGES, to me well known as the GRANTORS in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

AND ON THE same day also voluntarily appeared before me MARGARET R. HEDGES, wife of the said HAROLD C. HEDGES, AKA Harold Hedges, to me well known, and in the absence of her said husband declared that she had, of her own free will, executed said Deed and signed and sealed the relinquishment of dower and homestead therein for the consideration and purposes therein contained and set forth, without compulsion or undue influence of her said husband.

WITNESS MY hand and official seal on this 25 day of October, 1979

Beecher Clark
NOTARY PUBLIC

My Commission expires: 2/15/81
(SEAL)

JUL 1 [illegible] 1980

United States Department of the Interior
OFFICE OF THE SOLICITOR
FIELD SOLICITOR
RM. 224, U.S. COURTHOUSE
P.O. BOX 1042
SANTA FE, NEW MEXICO 87501

July 10, 1980

Land Acquisition Officer
Buffalo National River
P. O. Box 1073
Harrison, Arkansas 72601

Dear Sir:

Re: Project: Buffalo National River
Consideration: $429,145.00 Tract No: 66-104
Acreage: 629.00 County: Newton State: Arkansas
Date of Preliminary Opinion: April 21, 1978

Estate Acquired: Fee Simple-w/right of use & occupancy valued at $19,148.00
Vendors: Harold C. Hedges and Margaret R. Hedges

Deed dated: October 25, 1979 Filed: November 5, 1979
Recorded in Book: 59-A Page: 399
Title Evidence No: US 1239036
Prepared by: St. Paul Title Insurance Corporation

An examination has been made of the title evidence and the related papers pertaining to certain land and interests therein which have been acquired under the authority of existing legislation. The land and estate acquired by the United States of America are more particularly described in the attached deed.

The attached final title evidence and accompanying data disclose valid title to be vested in the United States of America, subject to existing easements for public roads and highways, rights of way for railroads, pipelines and public utilities, the rights and easements noted in Schedule B of the attached title evidence, and any reservations contained in the deed and option, which rights, easements and reservations, if any, are in compliance with existing statutes and are such as the National Park Service has advised will not interfere with the proposed use of the land.

Sincerely yours,

Gayle E. Manges
Field Solicitor, Santa Fe

cc:
Assistant Attorney General, Land & Natural Resources Division
Regional Solicitor, Tulsa

United States Department of the Interior
OFFICE OF THE SOLICITOR
FIELD SOLICITOR
RM. 221, U.S. COURTHOUSE
P.O. BOX 1612
SANTA FE, NEW MEXICO 87501

July 10, 1980

Land Acquisition Officer
Buffalo National River
P. O. Box 1073
Harrison, Arkansas 72601

Dear Sir:

Re: Project: Buffalo National River
Consideration: $2,280.00 Tract No: 66-112
Acreage: 2.96 County: Newton State: Arkansas
Date of Preliminary Opinion: February 22, 1980

Estate Acquired: Fee Simple

Vendors: Harold C. Hedges and Margaret R. Hedges

Deed dated: October 25, 1979 Filed: November 5, 1979
Recorded in Book: 59-A Page: 399
Title Evidence No: US 1239036
Prepared by: St. Paul Title Insurance Corporation

An examination has been made of the title evidence and the related papers pertaining to certain land and interests therein which have been acquired under the authority of existing legislation. The land and estate acquired by the United States of America are more particularly described in the attached deed.

The attached final title evidence and accompanying data disclose valid title to be vested in the United States of America, subject to existing easements for public roads and highways, rights of way for railroads, pipelines and public utilities, the rights and easements noted in Schedule B of the attached title evidence, and any reservations contained in the deed and option, which rights, easements and reservations, if any, are in compliance with existing statutes and are such as the National Park Service has advised will not interfere with the proposed use of the land.

Sincerely yours,

Gayle E. Manges
Field Solicitor, Santa Fe

cc:
Assistant Attorney General, Land & Natural Resources Division
Regional Solicitor, Tulsa

Senator **BUMPERS**. Gentlemen, thank you all very much.

We have Congressman Lewis with us who has come to testify on the Mary McLeod Bethune bill.

Congressman Lewis.

## STATEMENT OF HON. JOHN LEWIS, U.S. REPRESENTATIVE FROM GEORGIA

Mr. **LEWIS**. Thank you very much, Mr. Chairman, Senator Craig. Mr. Chairman, I am delighted and pleased to have an opportunity to be here to speak on behalf of H.R. 690, legislation which will authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House as a unit of the national park system. This bill passed the House on April 24, 1991.

Mr. Chairman, Mary McLeod Bethune was a remarkable woman, born in Maysville, South Carolina, on July 10, 1875. She was 1 of 17 children born to former slaves. In 1904 she founded what is now known as Bethune Cookman College. She started the school with almost no money. She made and sold sweet potato pies and ice cream to raise money to build the school. The students used crates for desks, charcoal for pencils, and mashed elderberries for ink.

Mrs. Bethune served as an advisor to Presidents Coolidge, Hoover and Roosevelt. In 1935 she was appointed to the National Youth Administration, NYA. The next year she became the director of the Negro Division of the NYA. She convened what was called the Black Cabinet, a group advising President Roosevelt during the New Deal.

Mr. Chairman, of the more than 350 national historic sites which are units of the national park system, only 7 commemorate African Americans. This legislation would give us an opportunity to do better, to tell a more complete story of American history. I hope the committee, Mr. Chairman, will lend its full support to the Bethune bill.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Lewis follows:]

### PREPARED STATEMENT OF HON. JOHN LEWIS, U.S. REPRESENTATIVE FROM GEORGIA

Mr. Chairman, as you know, I introduced the "Bethune" bill in the House. This legislation would authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House as a unit of the National Park System. The bill passed the House on April 24, 1991.

Mr. Chairman, Mary McLeod Bethune was a remarkable woman! Born in Maysville, South Carolina on July 10, 1875, she was one of 17 children born to former slaves. In 1904, she founded what is now known as Bethune-Cookman College. She started the school with almost no money. She made and sold sweet potato pies and ice cream to raise money to build the school. The students used crates for desks, charcoal for pencils, and mashed elderberries for ink.

Mrs. Bethune served as an advisor to Presidents Coolidge, Hoover, and Roosevelt. In 1935, she was appointed to the National Youth Administration (NYA). The next year, she became director of the Negro Division of the NYA. She convened what was called the "Black Cabinet," a group advising President Roosevelt during the New Deal.

Mrs. Bethune also founded the National Council of Negro Women and served at the helm of that powerful, national, civil rights organization for 14 years. Her work laid the foundation for the success of the civil rights movement of the 1950s and 1960s.

The prospect of making the Mary McLeod Bethune Council House a unit of the National Park System fills me with tremendous pride! Not only is Ms. Bethune a particularly significant figure in African-American history and, thus, an exciting addition to the National Park System; but, by adding the Bethune house to the System, we are taking an important step in the direction of making the National Park System more accurate in its telling of American history.

Of the more than 350 national historic sites which are units of the National Park System, only seven commemorate African-Americans. This legislation would give us an opportunity to do better, to tell a more complete story of America's history.

I hope this Committee will lend its full support to the "Bethune" bill. Thank you.

Senator **BUMPERS**. Mr. Lewis, is the present owner of this monument willing to donate it, or is this supposed to be a purchase by the Federal Government?

Mr. **LEWIS**. It is supposed to be a purchase by the Federal Government. It has been the house and office of the National Council of Negro Women for several years.

Senator **BUMPERS**. Have they set a price on it?

Mr. **LEWIS**. I believe there is a price. I do not have the dollar figure before me.

Senator **BUMPERS**. You do not know the amount?

Where is this monument? I do not think I have seen it.

Mr. **LEWIS**. The house is located on Vermont Avenue in Northwest Washington.

Senator **BUMPERS**. On Vermont?

Mr. **LEWIS**. A short distance from downtown Washington, a short distance from Logan Circle, a short distance from the White House.

Senator **BUMPERS**. Well, we passed this bill last year I think here, did we not?

Mr. **LEWIS**. Your committee passed it. It passed the House, and I think we ran out of time in the Senate.

Senator **BUMPERS**. Well, we will try to do better this time.

Senator Craig.

Senator **CRAIG**. No questions.

Mr. **LEWIS**. Mr. Chairman, could I speak on behalf of the theme study bill also?

Senator **BUMPERS**. Certainly.

Mr. **LEWIS**. Mr. Chairman, H.R. 904, S. 639, this theme study legislation would direct the Secretary of the Interior to identify key sites related to African-American history. This bill will also pass the House. It was passed on May 7, just a few days ago.

Of the 1,967 sites identified by the National Historic Landmark programs, only 88 of them relate to African-American history. Of the sites which are units of the National Park Service only 2 percent relate to African-American history. I hope that your committee will move to correct this by supporting the African-American history landmark study theme bill, Mr. Chairman.

Thank you very much.

Senator **BUMPERS**. Thank you very much, Congressman.

Mr. Rogers, did you want to fill in for your missing colleague on the Mary McLeod Bethune bill?

Mr. **ROGERS**. I can do so in the interest of the committee's time, if you wish, Mr. Chairman.

Senator **BUMPERS**. We need to get something on the record from the Park Service.

## STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 690; ACCOMPANIED BY SARAH K. BLUMENTHAL, DEPUTY ASSOCIATE REGIONAL DIRECTOR, LAND USE COORDINATION, NATIONAL CAPITAL REGION

Mr. ROGERS. On the subject of H.R. 690 on Mary McLeod Bethune, I want to note that the Department of the Interior has approved a program of legislative initiatives for the National Park Service based on the number one priority of each region of the Service. This program includes the proposal to bring the Mary McLeod Bethune Council House and Bethune Museum archives into the National Park System. So, you can see that that is a very high priority, particularly of our National Capital Region. If amended as suggested below, we support H.R. 690.

In testimony before the House on March 7, 1991, we raised three basic issues.

First, that H.R. 690 significantly expands the existing scope of the Council House and the archives. The expanded scope could significantly affect the operations and the operating budget of such a park unit. We would also point out that we do not intend to interpret contemporary political and civil activities occurring in the ongoing, current civil rights movement. We believe that our business is history. We recommend that the purpose of the site be to preserve and interpret the life and work of Mary McLeod Bethune and her contemporaries and the history and ongoing work of the National Council of Negro Women.

Second, if the archives should be expanded, we think it is important to note that the existing carriage house would soon become inadequate to store those archives. We recommend that the scope of the archives be the life and work of Mary McLeod Bethune and her contemporaries who were leaders in the fields of endeavor similar to Ms. Bethune herself.

Third, section C includes language that the advisory commission "shall fully participate with the Secretary in the development of the General Management Plan. We are not at all opposed to participation, but the Justice Department asked us to advise that this provision might better be rephrased to clarify that the commission truly is advisory rather than sharing in an executive role.

Our third request was incorporated into H.R. 690, as amended, but the first two issues remain.

Also, the bill as passed in the House of Representatives does require a technical correction. In section 3, Administration, the subsection Management and Development should be identified as subsection "(C)" rather than as paragraph "(2)."

And I would be happy to attempt to answer questions on this bill as well.

[The prepared statement of Mr. Stanton on H.R. 690 follows:]

### PREPARED STATEMENT OF ROBERT STANTON, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 690

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on H.R. 690 as amended by the House of Representatives a bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site.

Mr. Chairman, the Department of the Interior has approved a program of legislative initiatives for the National Park Service, based on the number one priority of each Region of the Park Service. This program of legislative initiatives includes the proposal to bring the Mary McLeod Bethune Council House and Bethune Museum Archives into the national park system through acquisition. If amended as we suggest below, we support H.R. 690.

The Mary McLeod Bethune Council House and the National Archives for Black Women's History were designated a national historic site in 1982 by Public Law 97-329. That authorizing legislation directed the Secretary of the Interior to enter into a cooperative agreement with the National Council of Negro Women. The site and the archives have been operated by the National Council, in conjunction with the Bethune Museum Archives, Inc., since that legislation was enacted. The purpose of the site as directed in the 1982 legislation included: (1) the preservation, maintenance, and interpretation of the Council House and site because of the historic meaning and prominence of the life and achievements of Mary McLeod Bethune, an outstanding leader in the area of housing, employment, civil rights, and women's rights; and (2) the continuation of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History at this site.

H.R. 690 would authorize the Secretary of the Interior to acquire the Mary McLeod Bethune Council House National Historic Site and to manage and operate the site after its acquisition. The Secretary is directed to enter into a cooperative agreement with nonprofit organizations to provide the public programs, seminars, and lectures appropriate to interpret the life and work of Mary McLeod Bethune and the history and contributions of African-American women.

H.R. 690 would also authorize the Secretary to acquire the National Archives for Black Women's History, and the Secretary is directed to enter into a cooperative agreement with nonprofit organizations to administer the archives currently located at the historic site.

In testimony March 7, 1991, before the House of Representatives, we raised three issues regarding this proposed legislation. These issues are addressed in a study that has recently been completed and reviewed for this site. These include:

1. H.R. 690 significantly expands the existing scope of the Council House and the archives: under H.R. 690 the site would preserve and interpret the life and work of Mary McLeod Bethune, the history, lives, and contributions of African-American women, and the struggle for civil rights in the United States. This expanded scope could significantly affect the operations and the operating budget of the Council House and the archives. We intend to continue to focus our interpretation of this site on the history of the civil rights movement, and Mary McLeod Bethune's contributions to that history; we do not intend to interpret contemporary political and civil activity occurring in the ongoing current civil rights movement. We recommend that the purpose of the site be to preserve and interpret the life and work of Mary McLeod Bethune and her contemporaries and the history and on going work of the National Council of Negro Women.

2. If the scope of the archives is expanded as described in H.R. 690, and additional archival material is acquired to the scope described in this bill, the existing carriage house would soon become inadequate to store the archives that are now an integral part of the site. We recommend that the scope of the archives be the life and work of Mary McLeod Bethune and her contemporaries who were leaders in fields of endeavor similar to Mary McLeod Bethune.

3. Section (c) includes language that the Advisory Commission "shall fully participate with the Secretary in the development of the General Management Plan." To avoid a possible constitutional appointments clause infirmity, the Department of Justice advised that this provision should be rephrased to clarify that the Advisory Commission truly has an advisory, rather than executive, role.

Our third request was incorporated into H.R. 690 as amended; however, the first two issues remain. We would be pleased to meet with members and staff of the subcommittee for further discussion of these issues.

In addition, the bill as passed in the House of Representatives requires a correction. In Section 3, ADMINISTRATION, the subsection MANAGEMENT AND DEVELOPMENT should be identified as subsection "(C)" rather than paragraph "(2)".

The estimated cost for acquiring the land and structures is $635,000. We would anticipate that the archives and historical furnishings will be donated to the Park Service by the National Council of Negro Women. Development and planning costs, including preservation of the structures, are estimated to total $1,500,000. Annual operating costs are estimated to total $400,000.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

Senator BUMPERS. Last year the House of Representatives asked the Park Service to do a study on this bill, and that has been completed and I have it in front of me here. And there are so many cost figures in here, I am having a difficult time sorting them out. But one figure here is recap of restoration cost estimates, and that comes to $1,330,000. That is $878,000 for the main house, $292,000 for the carriage house, $30,000 for the grounds and $130,000 for the planning documents.

Is that the amount of money we are talking about here?

Mr. ROGERS. Mr. Chairman, I am advised that the answer to the question is yes, but that there are other costs that would be required to bring it up to standards for public visitation as a unit of the National Park System, such things as accessibility.

Senator BUMPERS. Now, what is the total cost then?

Mr. ROGERS. May I ask Ms. Sarah Blumenthal from the National Capital Region to join me?

Ms. BLUMENTHAL. Mr. Chairman, the total cost on the renovation and restoration of the house estimate, physical work on it, not the planning work that would have to be done, is about a million and a half, $1.4 million.

Senator BUMPERS. That does not include any operational costs.

Ms. BLUMENTHAL. No, sir.

Senator BUMPERS. That is just for acquisition and restoration.

Ms. BLUMENTHAL. No. It does not include acquisition also. It just includes the work that would have to be done to the house and the carriage house to bring it up to public visitation, including handicapped accessibility—it is not accessible to the handicapped—electrical, plumbing, that sort of thing that would make it available to the public.

Senator BUMPERS. Well, what is the cost of acquisition? Is that on top of the $1.3 million that I just mentioned a moment ago?

Ms. BLUMENTHAL. There is an estimate, but there is not an appraisal of the cost of acquisition of the property.

Senator BUMPERS. Well, I want to be sure we are both talking about the same thing.

Ms. BLUMENTHAL. Yes, sir.

Senator BUMPERS. This is a recap of restoration cost of $1.3 million. Is that what you just described as $1.5 million?

Ms. BLUMENTHAL. Yes, sir.

Senator BUMPERS. Now, this study says $1,330,000. So, let us add the acquisition cost to that so we know how much money we are talking about.

Ms. BLUMENTHAL. Yes. You would have to add the acquisition cost to that.

Senator BUMPERS. How much is that?

Ms. BLUMENTHAL. There is not an appraisal, but the estimate is at this point about $635,000.

Senator BUMPERS. So, you are talking about roughly $2 million?

Ms. BLUMENTHAL. Yes, sir.

Senator BUMPERS. Let us see. Here is a letter to George Miller, who is chairman of the Interior Committee over in the House, from CBO. "Assuming appropriation of the necessary sums, CBO estimates that the Federal Government would incur a one-time implementation cost of $1 million to $2 million. Most of the amount would be spent over fiscal years 1992 and 1993. Thereafter, about a half million will be spent each year for routine operation and maintenance."

Have you seen that letter from CBO?

Ms. BLUMENTHAL. No, we have not.

Senator BUMPERS. We are looking at a minimum of $2 million for acquisition and restoration, would you not say?

Ms. BLUMENTHAL. On the basis of our present estimates, yes.

Senator BUMPERS. Now, Jerry, is the Park Service on board with that?

Mr. ROGERS. Mr. Chairman, I believe the Park Service is, yes.

Senator BUMPERS. So, we have a bill, John. You are in good shape.

Mr. LEWIS. Thank you very much, Mr. Chairman, members of the committee.

Senator BUMPERS. You will be excused.

Senator Fowler?

Senator FOWLER. Mr. Chairman, may I just take this opportunity as the cosponsor of the African-American history initiative to give the credit where it is due and that is to Congressman John Lewis who was the inspiration and the motivating force behind this legislation beginning in the House. As one who was fortunate enough to represent a majority black district for some 10 years in the House, now more ably represented by Congressman Lewis——

Senator BUMPERS. Do we have seated before us your successor?

Senator FOWLER. You do.

Mr. LEWIS. Thank you very much, Senator.

Senator FOWLER. And one of the best in the country I might add as his constituent.

Mr. Lewis, as you know, Mr. Chairman, was involved in many of the courageous acts bringing our Nation into laws of equality that deserve more official recognition. One of the things that this bill will do in identifying landmark sites important and relevant to Afro-American history is it will plug a void in our national character as well as our national history that will enable many students of all races and creeds to understand the importance of African Americans in our country's history.

It is really John Lewis that got it going. I am the mere water carrier on this side, but I am delighted that the committee understands its importance, the Park Service's enthusiastic backing and now under your leadership in carrying both Mr. Lewis and myself, which is heavy water——

Senator BUMPERS. That is a heavy load.

[Laughter.]

Senator FOWLER. We will turn this into law. And I thank you.

Senator BUMPERS. We will, indeed, Senator Fowler, and I compliment both you and Congressman Lewis for your vision in presenting this bill to this committee, and we will get it out of here as quickly as we can, Congressman.

Mr. LEWIS. Thank you very much, Mr. Chairman and Members of the committee, for all of your help and for all your support, and

I thank my good friend and my Senator, Senator Fowler, for being a sponsor here. Thank you.

Senator **Bumpers**. Thank you all again very much.

We have one final witness, Mark Michel. Mr. Michel is president of The Archaeological Conservancy from Santa Fe, and here in support of the Mound City Group National Monument. Mr. Michel, welcome to the committee and please proceed.

## STATEMENT OF MARK MICHEL, PRESIDENT, THE ARCHAEOLOGICAL CONSERVANCY, SANTA FE, NM

Mr. **Michel**. Thank you very much, Mr. Chairman, Members of the committee. I am submitting written testimony and would like to briefly summarize it today for the committee. I would like to also say that I am representing the National Parks and Conservation Association and the Society for American Archaeology, the professional group of archaeologists in the United States here today.

I would also like to submit for the record, Mr. Chairman, a reprint of an article from Early Man Magazine called Hopewell: Prehistoric America's Golden Age. These photographs are also from that same article and they are much better than in the reprint.

I want to thank Senators Metzenbaum and Glenn for sponsoring this important legislation to expand Mound City Group National Monument near Chillicothe, Ohio. The bill would permanently preserve nationally significant sites, sites that are also of world class category, of the Hopewell culture. I would also like to thank you, Mr. Chairman, for your continuous and long-term support of archaeological preservation both in Arkansas, where we are active, as well as throughout the United States.

More than 2,000 years ago a great native culture developed in southern Ohio. Known today as the Hopewell, these people built monumental earthworks in the shape of great circles, squares, octagons, and miles-long parallel walls. In their burial mounds, they placed fantastic works of art fashioned from exotic materials collected from across the continent, including materials from Arkansas, Senator Bumpers—the clear quartz in this picture comes from Arkansas—and obsidian from Yellowstone National Park, Senator Craig, 2,000 years ago.

By 500 A.D. the Hopewell had vanished, and we know little of this culture other than from these artifacts in the ground.

The Hopewell era is known widely today as prehistoric America's golden age. So sophisticated was this culture that Americans for the past 200 years attributed it to almost anyone but American Indians, including Tartars, Hindus, the lost tribe of Israel, Canaanites, Phoenicians, Welsh Indians, Vikings, refugees from the lost continent of Atlantis, et cetera. More recently they have been attributed to extraterrestrials.

The first publication of the Smithsonian Institution in 1848, of which I have a copy here—quite a remarkable book, if anyone would like to look at it—was about the Hopewell Indians of Chillicothe, and we are still using it today. In fact, the maps we are using for this hearing come from this 1848 volume.

In this volume, the authors, Squier and Davis, warned that these great works were in imminent danger of being destroyed, and they were prophetic in that. Most of them have already been destroyed. What we are trying to preserve today is only the handful that remain.

In 1980 the Congress added the Hopeton Earthworks to Mound City. At the same time, a study of other sites was ordered and the legislation we are considering today is a result of that study by the National Park Service.

S. 749 adds the additional land to the Hopeton site that is threatened by the gravel company. The gravel company has been negotiating with us and the Trust for Public Land. It is a willing seller, but unwilling to stop mining operations until some kind of legislation is adopted. It would also add three highly significant Hopewell sites to the park in the general area.

Mr. Chairman, I think that would summarize my testimony. I would be more than willing to stand for questions.

[The prepared statement and article submitted by Mr. Michel follow:]

## PREPARED STATEMENT OF MARK MICHEL, PRESIDENT, THE ARCHAEOLOGICAL CONSERVANCY, SANTA FE, NM

Mr. Chairman, members of the committee. My name is Mark Michel. I am President of The Archaeological Conservancy with its headquarters in Santa Fe, New Mexico. I want to thank you for giving me the opportunity to testify here today.

The Archaeological Conservancy is a non-profit organization formed in 1980 to acquire and permanently preserve the best remaining archaeological sites in the United States that are on private lands. In the past ten years, we have acquired, by purchase or donation, more than 70 sites in twelve states. We now have more than 11,000 individual donors throughout the United States. Virtually all of our funds come from private sources.

I am today representing the views of the National Parks and Conservation Association and the Society for American Archaeology as well as those of the Conservancy.

First, I want to thank Senators Metzenbaum and Glenn for their foresight and wisdom in introducing the legislation being considered today. S. 749 is a necessary measure to protect one of the nation's most important cultural resources.

### A. THE HOPEWELL CULTURE

More than 2,000 years ago a great native culture flourished in the Ohio River Valley and in particular its tributary in southern Ohio, the Scioto Valley around the present city of Chillicothe.

Known collectively as the Moundbuilders, this culture came to dominate the eastern United States for nearly 1,000 years, then mysteriously disappeared. The earlier phase is known as Adena, for the Chillicothe estate of Ohio Governor Worthington on which it was first identified. The final and most sophisticated phase is known as Hopewell, for the 19th Century owner of the farm on which the most important site is located.

The Hopewell culture lasted from about 100 B.C. to 500 A.D. It is widely known today as "Prehistoric America's Golden Age."

When the first Europeans came into the Ohio Valley, they were mystified by the great earthworks and sophisticated art they found in the works of the Moundbuilders. Local Indians knew nothing of them or the people who made them, and speculation began immediately as to who the moundbuilders actually were.

In the 19th Century this speculation reached the level of a national debate that included President William Henry Harrison. Almost any group but prehistoric Indians was given credit—Tartars, Hindus, a lost tribe of Israel, Canaanites, Phoenicians, mysterious Welsh Indians, Vikings, refugees from Atlantis, etc. Others linked the mounds to the great Mesoamerican civilizations; Maya, Toltecs and Aztecs. More recently they have been attributed to extraterrestrials.

The Hopewell are known for their enormous geometric earthworks; circles, squares, octagons, parallel walls. . . . Linked together in delicate patterns, they often cover hundreds of acres. These works are still a mystery today, and we have no idea why or how they were built or for what they were used.

More amazing still, are the contents of the many burial mounds of the Hopewell elite. Incredibly these people collected exotic goods from across the continent and fashioned them into sophisticated works of art that were then buried with the dead. Copper from the Great Lakes, mica from the Carolinas, shells and animals from the Gulf coast, clear quartz from Arkansas, pearls from Illinois, chalcedony from the Dakotas and obsidian from Yellowstone all made their way to the Scioto Valley and into the hands of the native artists.

The first publication of the fledgling Smithsonian Institution in 1848 was by two Chillicothe citizens, Ephraim Squier, a newspaperman, and E.H. Davis, a physician. Their work, "Ancient Monuments of the Ohio and Mississippi Valley" is an American classic, which we are still using today to prepare the maps for this hearing. Unfortunately, their collection of Hopewell materials from these sites was sold to the British Museum, when no American buyer could be found.

Most of the research on the Hopewell took place in the last century, when archaeological techniques were much more primitive than today. Thus we have few dates (Carbon 14 dating was developed in the 1950's) and little information about these amazing people. In recent years a new generation of scientists is looking at the Hopewell culture and beginning to get important new data.

After 200 years of research (the first scientific excavation of an ancient mound was by Thomas Jefferson in 1781), the Hopewell culture still remains largely a mystery. We know little of their origins or how they lived? Whether or not they had agriculture? What social structure enabled them to produce monumental architecture and for what purpose? Finally, we know almost nothing of why they disappeared?

Clearly, these questions demand an answer. And the only way to find an answer is to preserve what little remains of this great culture. These are resources of great national importance, of world importance to the history of man's development.

### B. PRESERVATION OF THE SITES

S. 749 would expand the existing Mound City Group National Monument by adding new lands to the Hopeton Works and by adding three highly significant new sites to the existing two. It would also appropriately rename the unit Hopewell Culture National Historical Park to recognize the great culture that made it.

In 1980, the Congress added the circle-square Hopeton Earthworks to Mound City. A study of additional sites that might be added to the monument was also mandated. The legislation that we are considering today is a product of that study by the National Park Service.

It has become apparent that the boundaries authorized in 1980 for the Hopeton addition are too small, and S. 749 authorizes an additional 224 acres. While the main features are protected, related features are not. Today, gravel mining operations are encroaching on the Hopeton site and threaten to destroy many of the associated resources. The gravel company is cooperating with salvage operations but unwilling to stop mining. They are, however, willing to sell their property to the park if Congress passes this bill.

The three new sites to be added by S. 749 represent different manifestations of the Hopewell phenomena.

To the south, the High Banks Works remains essentially intact on a high terrace above the river. It is a circle connected to an octagon enclosing 38 acres. Smaller circles and parallel walls are connected to the main site. Imagine the difficulty of laying out a circle 1,000 feet in diameter, and the sophistication necessary to construct a huge octagon. Clearly the Hopewell had knowledge of geometry and the means to use it.

In 1847, Squier and Davis measured the height of the walls of the octagon at ten feet, an enormous amount of earth to be moved by the basketful. Today, the walls have been plowed down to about four feet, but otherwise largely undisturbed.

We know little of the High Banks site. There are no known burial mounds associated with it and few artifacts have been recovered. The circle-octagon configuration is also found at Newark, Ohio, and must have some very special significance to the Hopewell people. Only new research can unravel the mystery.

The Seip Earthworks is the only surviving example of a geometric configuration consisting of a large circle connected to a square and smaller circle enclosing 128 acres. Other examples at Frankfort and Liberty have been largely destroyed. In the center of the large circle is a very large burial mound, which has been largely excavated and reconstructed. Additional burial mounds are associated with the site.

In 1966, investigations of the Seip works revealed non mortuary structures. These features were a unique find, as no other such structures have been found at other Hopewell sites, although it is likely they do exist.

The Seip Earthworks is adjacent to U.S. Highway 50, and thus suitable for future public interpretation. The surrounding area is undeveloped. A portion of the site is already owned by the Ohio Historical Society.

The final site that is proposed for addition is the Hopewell Mound Group, the "mother site" of the Hopewell culture. It is at this site where the characteristics of the culture were first identified. The site is named for a 19th Century owner, and the culture is named for this site.

The Hopewell site consists of a three-mile long earthen embankment in the shape of a "D" with a square attached, enclosing 130 acres. Portions of this embankment are still eight feet high. Within the embankment are about 40 burial mounds. From these mounds, investigators have found most of the dramatic works of art that make the Hopewell people unique—a cache of 100,000 freshwater pearls, 8,000 hornstone blanks, 90 percent of all the obsidian found east of the Missouri River, and more. Clearly this site was of immense importance to the Hopewell people.

While many of the burial mounds have been at least partially excavated, perhaps 90 percent of the site is undisturbed by excavations. It is also linked to Mound City. The small square at Hopewell is identical in size to the enclosure at Mound City, and a line bisecting one also bisects the other, three miles away.

In addition, there are Adena mounds on the terrace north of the site. Preservation of these are essential to understanding the connection between the earlier Adena and the Hopewell. Perhaps it is merely evolution of the culture over time. Perhaps they are distinct tribes. As yet the areas where the people lived who moved 3 million cubic yards of earth to build this complex are unknown.

New techniques would enable scientists to learn much more of this unique and valuable site, perhaps even the homes of the elite who are buried there. The Conservancy owns about 140 acres of this site and would be pleased to make it available to the National Park Service.

S. 749 also mandates further study of three more Hopewell sites in the Chillicothe area Cedar Banks, Harness and Spruce Hill. We strongly support this provision. So little remains of this culture that we must search for everything we can find to protect.

The acreage proposed for two of the additions by the National Park Service and S. 749 is clearly inadequate. It would be wise and prudent to add additional acreage to the Hopewell Mounds Group and Seip Earthworks now, rather than wait for a new crisis as at Hopeton. The additional land is undeveloped and inexpensive at this time. We are providing staff with recommended map changes.

S. 749 would protect some of the best preserved and most spectacular remains of prehistoric America's Golden Age. These resources are all that remain of a great culture that has enthralled the American people for 200 years. This bill provides the resources for much enhanced interpretation of this great eastern culture as well as preservation for our children and grandchildren.

We urge speedy passage of S. 749.

# Hopewell
# Prehistoric America's Golden Age

*For the first time in North America, humans developed a system for regulating their lives beyond single communities*

**By John B. Carlson**

*Executive Editor, Early Man*

*Hopewell reflects a highly complex life in ancient America, one that far exceeds what we have been taught to visualize as the history of American Indian culture. The concept that has come down to us ever since the time of first European contact is one of peoples having lived for countless centuries on hunting-gathering or simple farming levels. Nineteenth century judgments—such as the one depicting the Indian as "too savage and averse to labor" to have constructed the maze of earth works in the eastern woodlands—have persisted despite proof to the contrary. As archeologists unfold the elaborateness of Hopewell life, their discoveries force us to re-think such concepts.*

**The Indian way of life encountered by Europeans when they came to these shores was the faded shadow of a society that flourished in the eastern woodlands around the time of Christ. That society was a dynamic and oppulent one, leaving earthworks on a gigantic scale and carloads of imaginative art done in copper, mica, stone and other mediums as the most visible evidence of its existence. It came to the brink of developing into a civilization, such as the Mayans of Meso-America did, possessing a network of trade and interactions among peoples as one of the essential conditions for any civilization to arise.** Archeologists believe the reason that this society did not was due to plusses and minuses of the environment more than any other factor. Once lumped together as Mound Builders with all of the ancient peoples who piled up earth for various purposes — until archeologists at the beginning of this century identified the society as a distinct episode in human experience — this society is now called Hopewell. Hopewell was America's original example of conspicuous consumption.

What was Hopewell?

The most stunning evidence of Hopewell comes from the main river valleys of southern Ohio, where freshwater pearls by the thousands adorned single burials, and millions of cubic feet of earth went into construction of geometric forms and the biggest burial mounds to be found anywhere.

Yet from Kansas City eastward to New York, and from Florida northward to the Great Lakes, archeologists find the artifacts and other evidences that identify Hopewell. It was undeniably a successful phenomenon, existing roughly from about 100 B.C. to A.D. 500.

However, it was not a culture, in the sense that people over broad areas subsisted in the same way. Regional lifeways, rooted deep in the past and shaped by local environments, remained relatively unchanged from preceding times. Despite the large ceremonial centers in Ohio, and the vast amount of manpower and organization entailed in their construction, the people there lived in scattered, small settlements. Parallels are seen in the formative cultures of Meso-America, where people came to ceremonial centers to work, to trade, and to participate in rituals, but the centers otherwise remained vacant.

**In Illinois, a pattern of larger-scaled village life is to be found, much more closely associated with the burial mounds than in Ohio. However, Ohio archeologist Olaf Prufer observes: "Wherever the influences of Hopewell appear, they are imposed on an already existing culture that for the most part continues in its own ways."**

Neither was Hopewell a political phenomenon, in the sense that peoples of various regions came under centralized control. It had a "political" dimension, as you will see. However, there were no power bases, such as there were later when the urban centers of the Mississippian period were established, for example, or the templed cities of the Maya arose in Meso-America.

What, then, *was* Hopewell?

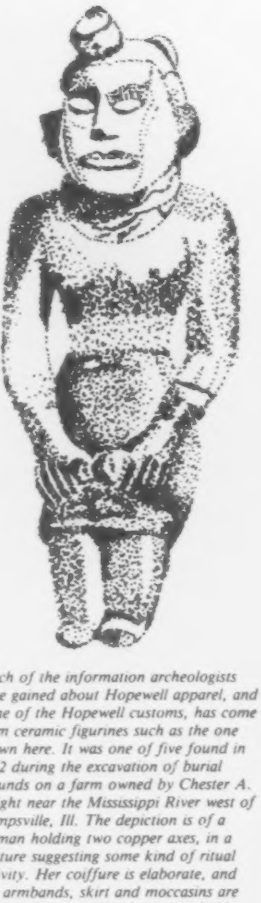
Until recently, interpretations of Hopewell have depended primarily on excavations of burial mounds, where the exotic materials and ceremonial objects are to be found. A preoccupation with these grave offerings, viewed as being primarily intended for interment with the dead, has resulted in Hopewell commonly being referred to as a cult. Was Hopewell a "religion"?

Parallels of Hopewell are seen in the early expansionist days of Christianity when that religion was shared by peoples with sharply contrasting cultures. Hopewell also has been compared to Islam, which under the original impetus of Mohammed and his Asian followers spread rapidly to such diverse cultures as those of Turkey, Syria, Persia, and North Africa. The late Joseph R. Caldwell, who formulated the concept of the Hopewell "interaction sphere," cited some other examples:

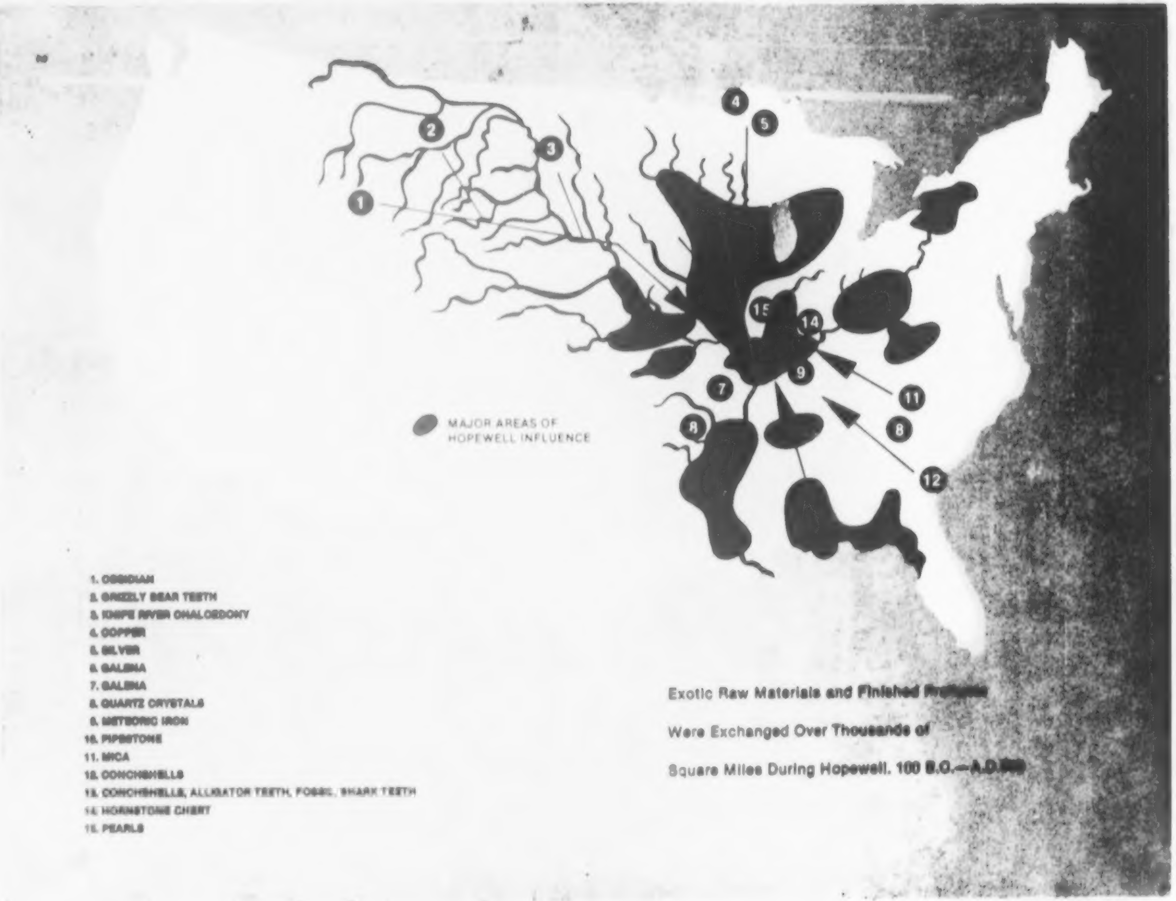
"In Europe, the megalithic tombs distributed from the Mediterranean to Scotland should qualify as a religion-based interaction sphere. Another situation perhaps better understood as the workings of such an interaction sphere might be that of the Neolithic 'Battle Axe Culture'. Many of the axes placed with the dead were not functional but were cult axes. The double axe is one of the most frequent Old World religious symbols, and the religious significance of axes has persisted strongly in the customs and art of recent European peasants."

Undoubtedly, Hopewell had "religious" overtones. But archeologists see these now as only one manifestation of a highly complex

*Continued on page 4*



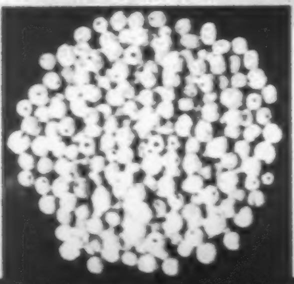
*Much of the information archeologists have gained about Hopewell apparel, and some of the Hopewell customs, has come from ceramic figurines such as the one drawn here. It was one of five found in 1942 during the excavation of burial mounds on a farm owned by Chester A. Knight near the Mississippi River west of Kampsville, Ill. The depiction is of a woman holding two copper axes, in a posture suggesting some kind of ritual activity. Her coiffure is elaborate, and her armbands, skirt and moccasins are decorated with painted dots, probably representing freshwater pearls.*



Exotic Raw Materials and Finished Products Were Exchanged Over Thousands of Square Miles During Hopewell. 100 B.C.—A.D. [illegible]

## Wealth and power during the Hopewell period

1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1

More than 8,000 [illegible] were removed in 1891 from a single [illegible] in one of the Hopewell mounds [illegible]. [illegible] are shown here as laid [illegible]. They were found [illegible] handful [illegible] bearing some [illegible] Warren K. Moorehead. [illegible] Hopewell [illegible] representing the wealth of the individual with whom they were buried.

2

Freshwater pearls [illegible] have been the most highly [illegible] Hopewell [illegible]. Tombs of the Hopewell [illegible] group [illegible] contained an estimated [illegible] pearls [illegible] found in the Seip Mound were estimated [illegible] to be worth, "by modern standards, $2 million or more."

PHOTOS EXCEPT WHERE NOTED COURTESY FIELD MUSEUM OF NATURAL HISTORY, CHICAGO

1

## With wealth and power went status in Hopewell society

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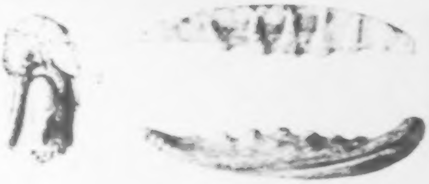

2

social system in which the practices and beliefs involved were just as important in regulating daily life as they were in a ceremonial context. *For the first time in North America, humans developed a system for regulating their lives beyond single communities.* Highly prized materials were obtained from great distances, and these were exchanged both in raw and finished form over thousands of square miles. Relatively few individuals in the society had access to these materials. They symbolized differences between people, representing wealth and power, and the system not only had the capacity to build monumental "public works" but to create beautiful objects of art.

The materials so greatly valued during Hopewell times either came to local groups by trade or were obtained by mounting long expeditions to their sources. One of these materials was copper.

Deposits of extremely pure native copper occur abundantly around the southern shore of Lake Superior and Isle Royale. Long before the Hopewell, axes, spearheads, knives and awls were being made of copper locally in Wisconsin and Michigan, and eventually deep mining pits (the remains of which can still be seen on Isle Royale) were sunk to obtain the metal. Conservatively, an estimated 10 million pounds of this copper found its way into prehistoric trade channels.

The process of heating stone to improve its chipping qualities was known, and this technique was applied to copper as well. Becoming brittle and subject to cracking when cold hammered, the metal becomes soft and malleable when it is annealed, i.e. heated to a temperature of about 200° C. Among the Hopewell, copper working was raised to the level of an art.

And the Hopewell artisan did not produce items to be used in everyday life for subsistence, as his predecessors had. His talents were devoted almost exclusively to decorative and ceremonial objects.

Archeologists find copper axes in a context indicating that these implements served a ceremonial function, and the largest of the Hopewell mounds — the central Mound 25 of the group excavated in the early 1890's by Warren K. Moorehead — yielded 67 of them, one weighing 38 pounds. There were 23 copper breastplates as well, along with a copper headdress fashioned in the shape of deer antlers.

Other uses of copper were: cutouts in geometric and animal shapes, rings, tubes for dressing the hair, earspools and panpipes.

Another prized material was obsidian. That this dark volcanic glass was imported in its raw form — and not obtained as finished products from western tribes in the Yellowstone area of Wyoming where the Hopewell obsidian has been identified as having originated — was well demonstrated in Mound 11 of the Hopewell group. Several hundred pounds were found with a single burial.

Was this the grave of a master flint-knapper of the society, as you might first imagine? Or was it rather the repository of the wealth of the individual with whom it was buried?

Since the number of burials found in Ohio can no where near account for the total Hopewell population during the 600-or-so years the phenomenon existed, archeologists conclude that tomb burial in the flesh, as opposed to cremation, was a privilege that went along with an individual's position in the society.

Apparently, that inner circle included not only a priestly or ruling class.

N'omi Greber of the Cleveland Museum of Natural History speculates that in cases such as the "copper" burial in Mound 25, or the "obsidian" burial in Mound 11, "the individual was a high-ranked person directly associated with the raw materials and/or manufacturing process."

Freshwater pearls could well have been the most highly prized of the exotic materials. Tombs of the Hopewell mound group alone contained an estimated 100,000. A single deposit from the Turner group in Hamiliton County, O., included 12,000 unperforated pearls and 35,000 pearl beads, along with 20,000 beads made of shell.

In one log tomb of the Seip Mound near Chillicothe — not far from where the Hopewell group was located — lay the remains of four adults, along with those of two infants, arranged above their heads. Newspapers dubbed it "the great pearl burial" when Ohio archeologist Henry Shetrone discovered it in the middle 1920's. "Whether or not this was a family tomb or the sepulcher devoted to the 'royalty' of the community, it is indisputable that the occupants were of the elect", he wrote.

In 1908, in *The Book of the Pearl,* G. F. Kunz commented: "In the age of the mound builders there were as many pearls in the possession of a single tribe of Indians as existed in any European court." Prof. Frank C. Hibben of the University of New Mexico ventured a guess that the Seip pearls, in their original condition before they were buried, "by modern standards are worth $2 million or more." Hibben made that estimate in 1960.

But that is not the only fascinating sidelight to emerge when contemplating those burials where esthetically-pleasing artifacts of rare and exotic materials are found.

Jane Buikstra, physical anthropologist with the Northwestern Archeological Program, makes a specialty of studying the bones, and she finds that skulls recovered from the richest burials usually have bony growths known as exostoses along the inner ear canal. Was this an inherited trait, indicating that those who controlled the economic resources — food as well as material wealth — came from the same gene pool of ranked individuals? The fact that males interred in special ways were significantly taller than those laid to rest without the same consideration supports the idea of inherited status in the society. At the same time, if the individuals of rank were the ones who travelled widely on trading missions, they would also tend to be taller if they married outside their own local communities.

But Buikstra comes up with another idea about those exostoses. She points out that such bony growths in the inner ear are common today among male divers. Did ranking in the society bear any relationship to a particular range of activities — such as the procurement of freshwater pearls and/or other riverine resources? Buikstra only speculates on that possibility.

But, curiously enough, she also finds something else in common among the most privileged: a distinct pattern of arthritis in the elbow. Apparently, those accorded the most respect in the society engaged in a specialized kind of activity that was their function, or duty, exclusively.

At any rate, the list of raw materials carried over long distances, and then exchanged between societies, is a long one. Sheets of mica were mined in the southern Appalachians of North Carolina. They were cut into shapes of all kinds: geometric, aquatic and rap-

## Status was reinforced through ritual and symbolism

1

*A sculptured relief of the human hand appears on a limestone plaque from a burial mound in the Illinois River valley. The theme recurs in southern Ohio where the hand was cut from sheet mica, as shown here.*

2

*The double-headed eagle design (above) and the swastika in copper cutout form. Long before the swastika became Germany's national symbol and took on infamous connotations under the Nazi, it was used in eastern North America as a sun symbol and an emblem of friendship.*

3

*The serpent was a common theme in Hopewell symbolism. The restored serpent's head shown here was cut from sheet copper.*

4

*Conch shells from the South Atlantic and Gulf coasts served as ceremonial cups.*

1

2

3

4

## The Hopewell elite sponsored the first "public works" construction in North America

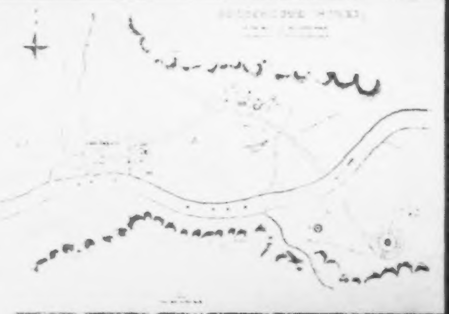
1

*The most extensive single earthworks known are located at Portsmouth at the mouth of the Scioto River in southern Ohio. An avenue defined by parallel embankments extends eight miles from a series of crescents and circles across the Ohio River into Kentucky. There a large mound lies at the center of a series of concentric circles. The total length of the embankments was about 20 miles.*

2

*A modern view from ground level of an embankment at Newark, where an estimated seven million cubic feet of earth were gathered, basketload-by-basketload, to construct the square, the circles, the octagon and avenues there.*

1



DRAWING FROM SQUIER & DAVIS (1848)

2

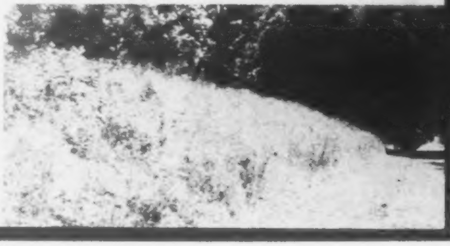


PHOTO: HELEN BROOKS

## The Hopewell elite were literally "patrons of the arts"

*"A study of Hopewell designs in copper, as well as shell and bone, demonstrates a high degree of skill in free-hand drawing." These examples illustrate that judgment of an ancient art specialist. Archeologists have concluded that only a class of "professionals" could have produced such art. What they created accrued to relatively few individuals who could afford to support such work.*

1

2

3

4

5

1

*Eagle claw carved from sheet mica.*

2

*The human form in mica.*

3

*Facsimile of so-called "elite" Hopewell pottery vessel, decorated with raptorial bird theme repeated symmetrically.*

4

*Flying bird effigy, cut from copper, inlaid with pearl eye.*

5

*Roseate Spoonbill, whose native habitat is Florida, sits astride a fish in this ceramic pipe from the Hopewell mounds. Fish's head was the mouthpiece.*

torial birds, animals, and parts of the human body. Claws and canine teeth of the grizzly bear perhaps came from the same area as the obsidian, although the range of the grizzly may have been farther east at that time. The Hopewell were also getting fine-grained chalcedony from the Knife River region in North Dakota. Thinly-hammered sheets of silver, believed to have come from the same area as the copper, sometimes covered buttons and earspools. Galena, from Illinois or southeastern Missouri, went into the production of beads, along with meteoric iron, the source of which is unknown. Quartz crystals — an extremely difficult material to chip — were shaped into plummet forms, cones, knives and spearheads. They came from Arkansas and/or the southern Appalachians probably. From the Gulf of Mexico and South Atlantic coast came conch shells, carved into ceremonial cups, and alligator and fossil shark teeth. Within the Hopewell area, other materials were also valued: "hornstone" chert from Indiana and southern Illinois and pipestone from eastern Ohio. The richest pearls probably came from the Illinois and Wabash rivers, which even into historic times were well-known for their large, pearl-producing mussel beds.

Transformed by Hopewell craftsmen into exquisite expressions of symbolic art, almost all of these materials ended up in the tombs of people of high rank. When they are found in the midden of living sites, they are broken or in a condition indicating they were discards.

And more often than not, an item in one place duplicates the same artifact hundreds of miles away, as if both had come from the same "factory." Clay figurines from the Knight Mound in southern Illinois are virtually the same as some ceremonially-broken ones from the Turner Mound in southern Ohio, or others from the Mandeville site in Georgia. Raven platform pipes from each of those regions literally came from the same mold, even to the configuration of the feathers, indicating a single artisan had made both.

Pottery apparently was a trade item as well. While plain pottery of traditional styles extending back for generations in the various regions were used for cooking and storage, a new ornate style developed. It obviously was a medium for expressing feelings and beliefs, too. Symbolic designs, representing raptorial birds and other motifs, were repeated symmetrically on the sides of the vessels. Some archeologists believe that this so-called pottery of the elite, wherever it is found through the Hopewell sphere of influence, may have been a specialty of tribes in southern Illinois. One of the manufacturing centers may have been the Bigsby site, on the Illinois River, north of Kampsville, where 40 per cent of the sherds recovered were of this style, a much higher percentage than normally expected.

Similarly, some archeologists have argued that pottery figurines were made primarily at the Mann site on the Ohio River in southern Indiana, since hundreds of fragments were mixed with the village debris. Combining the Bigsby and Mann examples with those

*Continued on page 8*

## Celebrated names in Hopewell research

**Although we will never know what the various groups called themselves, the peoples participating in Hopewell undoubtedly had names. Collectively, archeoloists identify them today as Hopewell because it was on the farm of Captain M. C. Hopewell near Chillicothe that the richest haul of artifacts came when an anthropological exhibit was being assembled for the Columbian Exposition in Chicago in 1893. Work on the 28 mounds on the Hopewell farm was directed by Warren K. Moorehead, who at that time was curator of the Museum of American Archeology at Phillips Academy Andover, Mass. During more than a century prior to those excavations, the all-encompassing term of Mound Builders was used.**

**Thomas Jefferson has been given recognition as "the founding father of American archeology" for his excavation of a burial mound on the Rivanna River near his Charlottesburg, Va., home of Monticello some time prior to 1781. The mounds at that time posed many mysteries. Jefferson intuitively used methods of excavation that more than a century later would become standard practice among archeologists. His methods disproved a number of theories held until then.**

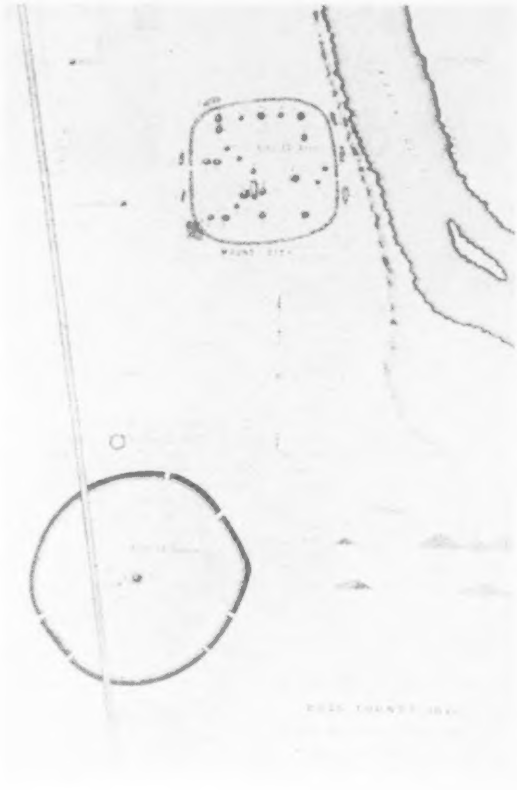
**Ephraim Squier, an Ohio newspaper editor, and Dr. E. H. Davis a Chillicothe physician, anticipated James A. Marshall's geometric analysis of the mounds (see *Early Man*, Spring, 1979) by more than a century when they wrote: "*The builders (of the earthworks) possessed a standard unit of measurement, and had some means of determining angles.* The most skillful engineer of this day would find it difficult, without the aid of instruments, to lay down an accurate square . . . measuring more than *four-fifths* of a mile in circumference. The difficulty in constructing circles 5,400 feet, or *over a mile*, in circumference, is apparent."**

**These observations were made after Squier and Davis opened over 200 mounds, and explored about 100 earthwork enclosures, all between 1845 and 1847. Their detailed records and contour maps of the works as they appeared then have been invaluable to researchers. Many of the earthworks described and illustrated have since disappeared.**

**In 1871, Cyrus Thomas, having established the Mounds Division of the Smithsonian Institution, sought out local scholarly-type individuals to be cast into the role of "archeologist." Under their direction, local citizens proceeded to drive teams of horses through the mounds, their aim being primarily to recover artifacts. By 1890, hundreds of mounds had been dug under Smithsonian sponsorship in Michigan Wisconsin, Illinois, Missouri and northern Kentucky. To Thomas goes credit for dispelling any notion other than that the various mound building peoples had been Indian tribes of a high culture and social organization.**

**However, operations until then concerned themselves with only one aspect of Hopewell — the mound cemeteries. No major explorations were made of Hopewell living sites. No attempt was made even to identify them. Only in the last two decades have archeologists excavated Hopewell villages extensively, discovering quite different lifestyles in places such as Illinois, Ohio and Michigan. The diversity in economic life they find has greatly enhanced an understanding as to how the Hopewell system worked. Much remains to be learned.**

*A pioneer archeologist's original drawings made in 1846 while surveying the Mound City group of mounds north of Chillicothe, Ohio.*



of other sites, such as the ones in Ohio where copper and obsidian were concentrated, the picture emerges of a highly sophisticated pattern of reciprocal trade.

Linked over vast areas, through the mechanism of this trade, were select individuals whose position in the society apparently was not earned, i.e. based on achievement, as it is for the most part in our own society today. Rather, they held what archeologists call "ascribed" status, such as you find in an hereditary monarchy. They even supported the arts, similar to the way rulers in history often attached painters and musicians to their courts.

Such an interpretation comes from Hopewell art itself, which reflects not only the achievement of a high degree of creativity and technical skill, but the development of a class of "professionals." What they created accrued to relatively few individuals, those who controlled the wealth and could afford to support such work. The subsistence of these specialists no longer depended on hunting or gathering wild plant foods. Members of the elite were literally "patrons of the arts." Archeologists are still trying to fully decipher the Hopewell hierarchical system, which appears to have centered on communicating and reinforcing status.

The elite apparently had a key role also in the first "public works" construction in North America. Miles of earthen embankments ranging from 8 to 20 feet high were built, utilizing millions of cubic feet of earth which were carried basketload-by-basketload.

Only about 200 burial mounds remain today of an estimated 20,000 existing in 1880. In the Hopewell mound group alone, 28 mounds were erected, the largest 500 feet long, 180 feet wide and 30 feet high. They were enclosed within a 110-acre area by embankments measuring three miles in length. An estimated three million cubic feet of earth went into the composition of the mounds and embankments.

At Newark, the two circles, the square, the octagon and the network of avenues covering four square miles, extended in a single line, would stretch for 7½ miles. At least seven million cubic feet of earth went into the enclosures there. No one has made a similar estimate for the works at Portsmouth, at the mouth of the Scioto River, where embankments entend upwards of 20 miles and reach across the Ohio River into Kentucky.

How were so many people assembled to accomplish these feats? How were they provisioned? Once again we get a reflection of a hierarchical society in which labor was controlled by relatively few, who had the power and ability to organize and channel that labor for self-fulfilling ends.

A totally new perspective toward understanding the capabilities of the Hopewell has come from an engineer's analysis of the embankments. James A. Marshall, analyzing them with the surveying techniques of the civil engineer, describes the earthworks as "the closest to a written record of a prehistoric people yet discovered north of the Rio Grande."

Marshall shows how the squares, circles and octagons — as much as 1,200 feet across and covering many acres — were not built randomly on the countryside, but with planning and precision. Despite their immense size, he demonstrates, they were laid out using a standard unit of measure. Groups of earthworks separated by as much as 14 miles were aligned with each other (see *Early Man*, Spring, 1979).

Marshall speaks of a "school of mathematics" among the Hopewell which worked out some of the same geometrical concepts we use today. The idea that Hopewell knowledge and experimentation in geometry was certainly retained and transmitted in "books" of some kind provides insights into Hopewell accomplishments only hinted at until now in the archeological record.

Those who controlled the wealth, and the labor, also apparently controlled such esoteric knowledge as this. Archeological investigation of villages provides no indication that it was used to plan the arrangement of houses, for example, or otherwise employed in daily life.

Economic, political and religious dimensions all went into making the Hopewell system what is was. However we view Hopewell, it constituted a sharp break in the continuity of centuries of human life that preceded it in the eastern woodlands. It flourished, and by A.D. 500 it ceased to exist, leaving no written records to tell us what happened.

Some of the important questions remaining to be resolved by future archeological research are how the Hopewell system came into being, and why it suddenly disappeared after 600-or-so years. Knowledge such as this is significant to us, in order that we might gain a deeper understanding of the basic forces governing human history even now — its cycles of rise and decline.

In the meantime, we can marvel at another aspect of the Hopewell system: it contained little or no potential for conflict. That danger is inherent in a ranked society, for it produces collected wealth which in turns is normally inherited. Among the Hopewell, however, wealth was taken out of circulation and placed with the dead.

Hopewell was one of the few societies known where you *did* take it with you.

FOR FURTHER READING:

Highly recommended as a readable modern overview of Hopewell is Robert Silverberg's *Mound Builders of Ancient America*. Originally published by the New York Graphic Society in 1970, it is now available (reissued in 1986) from Ohio University Press.

Brose, David S. and N'omi Greber (editors), *Hopewell Archaeology: the Chillicothe conference*. Kent State University Press, 1979.

Heizer, Robert (editor), *The Archeologist at Work*. Harper & Row, 1959. (For Thomas Jefferson's account of his excavation of a Virginia burial mound.)

Moorehead, Warren K., *The Hopewell Mound Group of Ohio*. Field Museum of Natural History, 1922. (Available only from Kraus Reprint Corp., Route 100 Millwood, N.Y. 10545.)

Squier, Ephraim and E.H. Davis, *Ancient Mounuments of the Mississippi Valley*. Smithsonian Contributions to Knowledge, Vol. 1. 1848. (Reprinted in 1965 by the Johnson Reprint Corporation, 111 Fifth Avenue, New York, N.Y. 10003.)

Senator BUMPERS. Thank you, Mr. Michel. I do not think there is any need for that. I think this bill is in excellent shape. As you heard earlier, we are going to try to get this bill out as quickly as we can in order to preserve the area of concern.

Mr. MICHEL. I think that would be great.

Senator BUMPERS. I will ask a question on behalf of Senator Craig. What is that?

Mr. MICHEL. The pipe here?

Senator BUMPERS. Yes.

Mr. MICHEL. That is a ceremonial pipe that is carved, one of dozens of animal effigy pipes carved by the Hopewell of unsurpassed quality. The photograph does not even give it justice.

Senator CRAIG. What is the material that it is carved from?

Mr. MICHEL. It is Ohio pipestone.

Senator CRAIG. It is pipestone. Beautiful.

Mr. MICHEL. The obsidian blade you see in the other part there may have even come from Idaho, Senator Craig. These blades are about this long.

Senator CRAIG. Volcanic glass.

Mr. MICHEL. Right. More than 95 percent of the obsidian found east of the Missouri River is found in this one site.

Senator CRAIG. Is that right? It was all traded material probably through bartering, was it not?

Mr. MICHEL. Well, if it were to be traded down the rivers, you would think you would find it all along the rivers, but it is only found in this one site which would lead me to believe that somebody went to the Yellowstone area and got it and brought it back.

Senator CRAIG. Fascinating.

Senator BUMPERS. That looks like a vacuum cleaner part over there in the middle.

[Laughter.]

Senator BUMPERS. What is that?

Mr. MICHEL. Which one?

Senator BUMPERS. It is in the middle of the top part of the red one.

Mr. MICHEL. That is another pipe.

Senator BUMPERS. Is that another pipe?

Mr. MICHEL. That is another kind of pipe.

Senator BUMPERS. That looks like a toucan, this one here, the bird. Is that supposed to be a toucan?

Mr. MICHEL. Well, they are calling it a raven, but of course there were not ravens in Ohio. But there are animal effigies of species that are found on other parts of the continent found in these places as well.

Senator BUMPERS. These people were good artisans, were they not?

Mr. MICHEL. They were incredible.

Senator BUMPERS. This is fascinating stuff.

Mr. MICHEL. One mound at the Hopewell site that we are considering that was found and opened had over 100,000 pearls from Illinois in it. That is this string of pearls. Over 100,000 in one mound. So, it was pretty remarkable, the most remarkable early culture in America.

Senator **Bumpers**. Mr. Michel, thank you very much for being with us.

Mr. **Michel**. Thank you, Mr. Chairman.

Senator **Craig**. Mr. Chairman?

Senator **Bumpers**. Yes, Senator Craig?

Senator **Craig**. I had a list of questions that I am handing to the Park Service on the Ohio mounds that I would want them to respond to.

And also, Mr. Chairman, in relation to S. 663, the Pocatello lands bill, I would ask unanimous consent that my statement be entered into the record.

Senator **Bumpers**. Without objection.

[The prepared statement of Senator Craig on S. 663 follows:]

### PREPARED STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO, ON S. 663

Mr. Chairman: I have introduced S. 663 at the request of the Mayor of Pocatello, Idaho. The City of Pocatello wishes to use certain lands granted to them by the federal government in 1920 for public purposes. Restrictions in the 1920 law limit uses of these lands solely for purposes of a municipal watershed. Other uses such as recreation and public access are prohibited.

For 70 years the land has been used for watershed purposes and currently supports wells, storage tanks, distribution lines and a caretaker's residence.

Now the city has an opportunity to construct a new 128-bed, $11 million womens' prison on this property. There would be obvious economic benefits to Pocatello and the surrounding area from this use. The prison has received broad support from local government and citizens.

S. 663 will widen the public uses allowed and permit the city to move ahead with adoption of zoning ordinances necessary to the siting of the prison. Some urgency is involved as I am advised that construction of the facility must begin by early summer.

I want to be clear that S. 663 does not require that a prison be built. It simply permits local government and residents of the area to decide on other uses, if they wish. This bill returns the decision-making process to the citizens of Pocatello.

Some local opposition to this bill has surfaced among residents who live on City Creek near the prison site. About 20 people live in that area. This bill does not attempt to resolve the issue. Instead it allows discussion and considerations of options at the grass-roots level.

Recognizing that some Idahoans would like more time to have their comments placed in the record, I request that it be left open for a period of no longer than 30 days.

Senator **Craig**. And also two letters, one from the acting executive director of the Chamber of Commerce of Pocatello and also one from the Mayor of Pocatello.

Senator **Bumpers**. Without objection, it will all be submitted for the record.

[The letters referred to follow:]

Greater POCATELLO CHAMBER OF COMMERCE

ACCREDITED

May 16, 1991

The Honorable Larry E. Craig ✓
250 S. 4th, Room 216
Pocatello Id 83201

The Honorable Steve Symms
250 S. 4th, Room 207
Pocatello Id 83201

The Honorable Larry LaRocco
Room 136, 304 N. 8th
Boise Id 83702

The Honorable Richard Stallings
250 S. 4th, Room 220
Pocatello Id 83201

Gentlemen:

I am enclosing a copy of the news release from the press conference held at 9:00 a.m. this morning at the proposed women's prison location.

The Board of Directors of the Greater Pocatello Chamber of Commerce thought it was about time the majority had something positive to say about the women's prison site. It is too bad that only a very scant few residents can be so negative and get so much publicity over it regarding such an important positive economic effect on this community.

If we at the chamber can be of any further service to you, please give us a holler.

Kindest personal regards,

Tom Sahlberg
Acting Executive Director

TS:ekd
encl.

427 North Main, Suite A • P.O. Box 626 • Pocatello, Idaho 83204 • (208) 233-1525

Greater POCATELLO CHAMBER OF COMMERCE

NEWS RELEASE MAY 16, 1991

The Greater Pocatello Chamber of Commerce today reaffirmed its support of Pocatello as the location of the proposed Idaho Women's Prison and endorsed the Board of Corrections selection of City-owned property near Cusick Creek as the site for the future $10 million facility.

"The Chamber previously went on record in favor of having the women's prison in our community," stated Judy Hunt, Chamber President. "Responding to expressions of support from our membership, that position remains firm. In addition, our Board fully supports the decision of the Board of Corrections favoring the Cusick Creek property."

Potential sites were explored by the Idaho Department of Corrections and Divison of Public Works during the past winter before settling on City-owned property. Properties investigated ranged geographically from the Airport and Fort Hall on the north to Inkom on the south. Unimproved land on both benches of the Portneuf Valley were also evaluated in relation to site criteria. Land at Philbin Road near Highway 30 was favored early in the selection process before being ruled out due to its proximity to an area cited for not attaining certain air quality standards.

"The Chamber recognizes the substantial economic benefits which will come to the community from this clean and stable employer, now and in future years," according to Randy Kline, Vice-President of the Chambers Economic Affairs Council.

The proposed 128-bed facility will have approximately 75 full-time employees, with a projected payroll of over $2 million annually. Well over $500,000 in goods and services will be purchased each year by the Department of Corrections to meet the continuing needs of the proposed of the Pocatello facility.

# BACKGROUND NOTES ON WEST BENCH LAND
# CITY OF POCATELLO

**Original Conveyance:**

On May 12, 1920, Congress passed legislation entitled "An Act to grant certain lands to the City of Pocatlelo, State of Idaho, for conserving and protecting the source of its water supply." (41 Stat. 596) This Act allowed the conveyance of up to 4½ sections of land in Bannock County (Section 3, 4, 9, 10, and the West 1/2 of Section 2 in Township 7 South, Range 34, East, Boise Meridian) to the City, upon payment of $1.25 per acre. Subsequently the City purchased a total of three and one-half Sections (Sections 3, 9, 10, and the West½ of Section 2) and received Patents to this land (Patent Nos. 879933 & 970072) The patents and the Act contain clauses allowing the Secretary of the Interior to take steps to reclaim the land for the United States government if the land is not used as specified. The land was never intended to be set aside for game or wildlife conservation, nor for public recreation, nor for preservation of open spaces, nor for residential use as the plain language of the Act and patents show.

**Location and Zoning:**

Section 2 is the only part of the lands purchased which lies within the City limits of Pocatello. It is also the only piece of land within the City limits which heretofore has been unzoned. Zoning has not been necessary until now because the Act and the patents provide the land-use restrictions ordinarily set by zoning ordinance. (The land within Bannock County would be subject to county ordinances.) Absent an assigned zoning district, this Section has no restrictions on the uses allowed on it, EXCEPT FOR those restrictions contained in the patents and the Act.

**Prohibition on Other Uses:**

The current federal restrictions prohibit the use of this land for any purposes except those directly related to the conservation and protection of the source of the City's water supply. Thus, NO USES BY THE PUBLIC ARE ALLOWED including hiking, horseback riding, sightseeing, camping, building, driving, or even public utility lines or easements unless needed for the water system, nor would any development or sale of the land for residential or commercial purposes be allowed. However, under these restrictions and with the lack of zoning, the City itself is permitted to build any size or type of structure needed for delivery or safeguarding of the water system.

**Current Use/Facilities:**

The City currently uses the lands for water storage tanks, pump stations and transmission lines to the main townsite as well as a residence for the caretaker of the reservoir and access roads as needed. The City has recently been informed that some citizens have taken the liberty of using the lands for hiking/backpacking and so forth without permission, but the City does not authorize or approve such uses since they do not meet the criteria of the Act & patents.

## REQUEST BY THE CITY

The City would like to be able to use some of the land it has purchased for other public purposes and facilities, providing that the uses do not interfere with the protection of the water delivery system. If the restrictions imposed by the land grants are modified as has been requested by the City, it would be essential to establish a land-use zone for the area in order to provide specific control over the types of public facilities allowed. In accordance with Idaho law, the City is currently conducting preliminary public hearings for the establishment of such a zoning district for "Public Lands/Facilities." See the attached proposal for the zoning ordinance wording. Note that no ordinance will actually be passed if the federal restrictions are not modified.

Public input: The City has set two public hearings on the proposed zoning, the first before its Community Development Commission on April 24 and the second before the City Council on June 6, 1991. The local newspaper has published the proposed changes extensively, and the public have been quite vocal in their responses. Council members have received numerous phone calls in addition to input at the public hearing. The hearings, by statute, are for comment on the proposed zoning and map changes, which are dependent upon the outcome of the requested Congessional Act. In fact, however, the exact placement of the proposed prison facility has been the main topic of those people who have presented testimony or given comments.

Pocatello
A MUNICIPAL CORPORATION OF IDAHO

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Pocatello City Council
GREGORY R. ANDERSON
I.J. "BABE" CACCIA
ROBERT E. CHAMBERS
ROGER W. CHASE
KAREN A. McGEE
EARL R. POND

January 28, 1991

The Honorable Cecil Andrus
Governor of the State of Idaho
Statehouse
Boise, ID 83720

Re: Release of reversion clauses in land grants

Dear Governor Andrus:

On May 12, 1920, the United States Congress passed legislation entitled "An Act to grant certain lands to the City of Pocatello, State of Idaho, for conserving and protecting the source of its water supply." (41 STAT. 596) This Act authorized and directed the Secretary of the Interior to convey certain adjacent public lands in Bannock County to the City upon payment of $1.25 per acre, "to have and to hold" for the conservation and protection of the source of water supply of the City of Pocatello. Under the terms of that act and the two patents (879933 and 970072) by which the land was deeded to the City, if the land is not used as specified, it reverts back to the United States.

The City purchased three and one-half sections, about 2,233 acres, authorized for sale under the Act. The land has been used for water storage reservoirs, a residence for the superintendent of the distribution system, storage of water-delivery-related equipment, and connecting pipelines for the transmission of water to the townsite. The City would also like to be able to put the land to other public uses that would not interfere with water supply conservation as originally intended. However, local BLM staff have indicated that doing anything with the land other than using it in conjunction with water-delivery services or leaving it unused would require an Act of Congress to amend the original terms.

Because the City is interested in using a portion of this land for other public purposes, including a possible site for the women's correctional facility, I am requesting your help in organizing our legislators to pass an amendment to the 1920 bill or a new bill authorizing public uses of the land in addition to, and in harmony with, the originally intended use.

Thank you for your assistance.

Sincerely,

Peter J. Angstadt, Mayor
City of Pocatello

Senator **Craig**. Thank you, Mr. Chairman.

Senator **Bumpers**. One point, Mr. Rogers, for the Park Service. If we are going to move this Mound City bill very quickly, we need a quick response to Senator Craig's questions. Would it be possible for you to get that done this afternoon or early in the morning so that he will have an opportunity at least before it goes on the calendar and is actually reported out of the Senate?

Mr. **Rogers**. We will do it as quickly as we possibly can.

Senator **Craig**. I do not think they are all that complicated. Thank you.

Senator **Bumpers**. Thank you all.

The subcommittee will stand adjourned.

[Whereupon, at 3:09 p.m., the hearing was adjourned.]

# APPENDIXES

## APPENDIX I

## Responses to Additional Questions

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
*Washington, DC, June 20, 1991.*

Hon. DALE BUMPERS,
*Chairman, Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR SENATOR BUMPERS: In response to your letter of May 22, enclosed are our answers to the questions posed by Senator Hatfield concerning S. 550, a bill to expand the Nez Perce National Historical Park. Please let us know if we can provide you with any additional information.

Sincerely,

JAMES M. RIDENOUR,
*Director.*

[Enclosure.]

*Question 1.* Do the local governmental entities—the Wallowa County Court and the City of Joseph—support the Federal acquisition of the Old Chief Joseph gravesite in Wallowa County, Oregon?

Answer. It is our understanding that the County Court supports the inclusion in Nez Perce NHP of the 5-acre parcel currently held by the BIA in trust for the Nez Perce tribe. The Court has said in the past that it does not support the acquisition of additional acreage because of its concerns about removing private property from the County tax rolls. We have reason to believe, however, that the County Court might be agreeable to supporting the acquisition of additional acreage if the acquisition were limited to no more than the minimum amount needed to accomplish park objectives. It is our understanding that the City of Joseph supports inclusion of the existing 5-acre gravesite, but does not take a position at this time on the acquisition of the additional acreage.

We would point out that our goal is not necessarily to acquire the entire 60-acre, privately owned tract adjacent to the gravesite. Our goal is to preserve the integrity of the burial grounds where those burial grounds extend into the 60-acre tract. Absent a clear indication from the Nez Perce as to the specific area they consider sacred, and absent more detailed archeological investigations, we do not know if there would really be a need to acquire the entire 60-acre tract. If it turns out that a smaller area would be sufficient, then perhaps the local goal of retaining a tax base at that location could be met.

*Question 2(a).* What is the current status with regard to the ownership of the Old Chief Joseph gravesite?

Answer. The gravesite, per se, is held in trust by the Bureau of Indian Affairs for the Nez Perce tribe. An adjacent 60-acre tract is privately owned, and believed to include burial grounds important to the Nez Perce.

*Question 2(b).* What is the status of the City of Joseph's planned condemnation of several of the acres in question?

Answer. It is our understanding that the condemnation proceedings are still under way.

*Question 2(c).* How will inclusion of this site affect the urban growth boundaries of the City of Joseph, Oregon?

Answer. The inclusion of the 5-acre site will not affect the growth of the City, as it is already held in trust for the Nez Perce. The adjacent 60-acre tract in question is seen by the County as a prime avenue of expansion, in part because utilities are available nearby. Effect on urban growth potential would depend upon how much of the 60-acre tract were actually to be acquired by the Federal government for inclusion in the park.

*Question 3.* If this acquisition mandate was removed relative to a specific site, would the Park Service retain the authorization to acquire it under the general acquisition authority of the bill?

Answer. If reference to the Chief Joseph grave site is removed, we believe the Secretary would have the authority to designate and acquire the site under the general provisions of the 1965 Act, assuming that the Act was amended to authorize the designation of sites in Oregon.

*Question 4.* Claims have been made that the lands surrounding the Chief Joseph grave site are of historical and tribal significance. Please list those claims and give a judgment as to their validity.

Answer. The official representatives of the Nez Perce tribe, including Chairman Hayes of Nez Perce Tribal Executive Council and representatives of the Nez Perce bands living on the Umatilla and Colville reservations, have stated unequivocally that Wallowa Lake is a sacred place, that the area surrounding the current site holds the bones of their ancestors, and that this land must remain undisturbed. The deeply held attachment of the Wallowa band to this land is unquestionable. The exact extent of this acreage still needs to be determined in consultation with the tribe. At this point there is no direct correlation between their needs and the full 60 acres of the adjacent tract. A cursory survey of the adjacent tract by a Forest Service archeologist revealed at least one site.

It is the tribe's position, as we understand it, that the current language in the bill restricting the Old Chief Joseph Gravesite to 5 acres is onerous because it effectively excludes the tribal representatives from participating in further study and negotiations over the extent and interpretation of the site.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, DC, June 17, 1991.*

Hon. MALCOLM WALLOP,
*Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR SENATOR WALLOP: Enclosed please find additional information requested by Minority staff at the hearing before the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, National Parks and Forests on May 21, 1991, regarding S. 749, a bill to rename and enlarge the Mound City Group National Monument in the State of Ohio.

The enclosed information has been prepared for insertion in the record. Thank you for the opportunity to provide this material to the Committee.

Sincerely,

PAMELA E. SOMERS,
*Legislative Counsel.*

[Enclosure.]

*Question 1.* What sites were surveyed for inclusion prior to the original establishment of Mound City Group?

Answer. None. The action of President Harding in 1923 in proclaiming the national monument was designed to preserve a site of known significance already in Federal ownership, not to consider protection of other Hopewell Culture sites.

*Follow-up.* Why were the sites named in the legislation not included in the original establishment?

Answer. These additional sites were neither known nor in Federal ownership at the time of the proclamation.

*Follow-up.* How many more sites might there be?

Answer. We do not know how many more sites there may be. In conducting the evaluation of additional Hopewell sites in the region which should be protected as part of the national monument required by P.L. 96-607, study was limited to Ross County, Ohio. An archeological investigator identified 112 Hopewellian sites in Ross County. This may approach being a complete list of "obvious sites characterized by ceremonial structures such as mounds and earthworks. However, it is likely that many other sites related to the day-to-day life of the Hopewell remain to be discovered.

*Question 2.* How many acres would be added to the Mound City Group National Monument with the inclusion of the four areas described in section 2 of S. 749?

Answer. The four areas described in section 2 include: Hopeton Earthworks, 224 acres; High Banks Works, 190 acres; Hopewell Mound Group, 180 acres; Seip Earthworks, 168 acres. Total: 762 acres.

*Follow-up.* What percentage of the existing acreage could be added?

Answer. The acreage proposed to be added (762) to the existing national monument (270) constitutes nearly a threefold increase (282% increase).

*Question 3.* How many acres are included in the "Other Areas" described in section 4?

Answer. The "other areas" described in section 4 include: Spruce Hill Works, 130 acres approximately; Harness Group, 112 acres approximately; Cedar Bank Works, 125 acres approximately.

*Follow-up.* What percentage of the existing acreage would be added with their inclusion in the Group?

Answer. If added to the present national monument (270 acres), these three sites would expand its acreage by 136%. If added to the expanded national monument (national historical park) proposed by S. 749 (1,032 acres), its acreage would be expanded by 36%.

*Question 4.* If the areas described in section 2 and section 4 were added to the Group, would the combined acreage exceed "10 percent of the total acreage of the park as of the date of enactment of this Act"?

Answer. The quote refers to a proposed Secretarial authority in the bill for minor boundary expansion, which we believe was intended to permit minor expansion of the four areas added to the monument by this legislation if the need for such expansion were determined by the studies required by section 4(a). Such studies are recommended because acreages of the areas recommended for addition were taken from National Register nomination forms and are not necessarily the result of adequate archeological investigations. Since the studies have not been conducted, it is impossible to say whether any recommended additions would exceed the 10% limitation.

*Question 5.* What kind of "assistance in the interpretation and management of the park" is envisioned by section 3?

Answer. The nature of any cooperative agreements for management and/or interpretation of the park would be determined during the development of a general management plan for the additions. We envision, for example, that the Ohio Historical Society would continue to operate and retain title to the Seip Earthworks. The NPS might provide occasional onsite interpretation while the State might, in return, loan artifacts for display in an existing or expanded visitor center.

*Question 6.* Would it be possible for the organizations named in section 3 to purchase and manage these sites without Federal involvement?

Answer. Section 3 refers to the Archeological Conservancy, the Ohio Historical Society, and other groups. The Archeological Conservancy acquires archaeological sites by purchase, donation or bargain sale and attempts to convey such sites to a public institution such as a university, museum or government agency for management. The Conservancy does not operate such sites for public benefit nor does it conduct research itself.

We have been informed that the Ohio Historical Society does not currently have the means to acquire or operate these sites. The Society has expressed its intention to retain title to and operation of its Seip Earthworks, currently designated a State Memorial and maintained for the benefit of the visiting public and for research. The Society supports the concept of a core of Hopewell sites protected through various means as part of the Mound City Group National Monument.

*Question 7.* How much money would be required to fund the "archeological studies on lands within and adjacent to the park"?

Answer. Preliminary estimates are that it would cost approximately $250,000 to conduct the archeological studies required by section 4(a) and approximately $50,000 per site for studies described in section 4(b).

# APPENDIX II

## Additional Material Submitted for the Record

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BLUE MOUNTAIN COMPUTER,
*Wallowa County, OR, May 17, 1991.*

Senator DALE BUMPERS,
*Chairman, Senate Subcommittee on Public Lands, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR BUMPERS: I urge you to support S. 550, which will allow expansion of the Nez Perce National Historical Park into Oregon and other states besides Idaho.

As a Wallowa County, Oregon resident, I am concerned that the Chief Joseph Cemetery Site may not be adequately protected as the bill now stands. Please support amendment language which would allow land adjacent to the site to be acquired in order to provide a buffer. This is especially important because I see that the owners of that land are planning to intensively develop surrounding parcels.

I lived in Joseph for 10 years and often walked on or near the property in question. There is no doubt in my mind that it is deserving of protection, and that failure to allow acquisition of a buffer zone will drastically impact the nature of the site.

Perhaps you will receive letters from other Wallowa County residents opposing the removal of any land from the tax rolls. As a resident and business owner, I am willing to make this small sacrifice in order to serve the greater good of preserving this important site for the edification of our children.

Don't let Chief Joseph's Cemetery Site become somebody's backyard! Please support S. 550 with an amendment to allow acquisition of buffer land adjacent to Chief Joseph Cemetery.

Sincerely,

RICK BOMBACI,
*President.*

---

WALLOWA MOUNTAIN ENGINEERING,
*Enterprise, OR, May 31, 1991.*

Senator DALE BUMPERS,
*Chairman, Senate Subcommittee on Public Lands, Dirksen Senate Office Bldg., Washington, DC.*

DEAR SENATOR BUMPERS: I am writing to urge your support of S. 550 which will allow expansion of the Nez Perce National Historical Park into Oregon, Washington, and Montana. I am particularly concerned about the Chief Joseph Cemetery Site in Wallowa County, Oregon. I support amendment language which will allow acquisition of additional land adjacent to the site to allow a buffer between the cemetery site and high density development which is currently being planned on the adjacent parcel of land. Such development would have a disastrous effect on the historical importance and the sanctity of the immediate area.

You will undoubtedly receive letters from Wallowa County Political leaders opposing the removal of any land from the tax rolls. I have been a resident of the county for nearly twenty years and I am a local business owner, and I can assure you that this view is not held by all residents and businessmen. The loss of a few dollars in tax revenues is more than offset by the importance of this site to future generations.

Again, I urge your support of the Nez Perce National Historical Park Bill with language amendments. Thank you.

Very truly yours,

**Ralph W. Swinehart, PE.**

---

Eastern Idaho Development Corporation,
*Pocatello, ID, June 3, 1991.*

Mr. David Brooks,
*Public Lands Subcommittee, Committee on Energy and Natural Resources, Washington, DC.*

Dear Mr. Brooks: As a certified development company, We are involved in regional economic and business development activities through the SBA 504 loan program, a Community Development Block Grant (CDBG) based Revolving Loan Fund, and screening of applicants to a city owned business incubator. Our board of directors is comprised of business, government, and civic leaders from our multi-county service area.

We are familiar with the issues regarding selecting a site for a women's correctional facility in Pocatello. We endorse the selection of Pocatello as the location for this facility. Based on other uses being made of adjacent land, and the measures that are planned to minimize the impact of the planned facility, we support selection of the Cusick Creek location. Your support of this measure is respectfully requested.

Sincerely,

Paul R. Cox,
*Executive Director.*

---

*Pocatello, ID, May 31, 1991.*

Mr. David Brooks,
*Public Lands Subcommittee, Committee on Energy/Natural Resources, Dirksen Senate Office Building, Washington, DC.*

Dear Mr. Brooks: As a citizen and businessman in Pocatello, Idaho, I wish to voice my strong support for the development of the women's prison facility at the Cusick Creek location and urge affirmative support for the proposed enabling legislation currently being considered by Congress.

I recognize concerns voiced by citizens located near the proposed facility and to environmental issues raised by the project. I am convinced the State and local government agencies are effectively addressing those concerns and, when complete, the women's prison facility will become a beneficial asset to the community.

Thank you for your attention and support.

Sincerely,

J.T. Bernasek.

---

Moffatt, Thomas, Barrett, Rock & Fields,
*Boise, ID, May 18, 1991.*

Hon. Dale Bumpers,
*U.S. Senator, Dirksen Building, Washington, DC.*

Dear Senator Bumpers: Thank You very much for permitting the citizens most seriously impacted by S. 663 the opportunity to present to your subcommittee the other side of this most important issue. Your willingness to listen and hear what our concerns are is sincerely appreciated.

We want to stress that our group is not opposed to the women's correctional facility being located in Pocatello. We oppose only this site location. Our opposition is based upon the firmly and sincerely-held belief that development in this fragile watershed will destroy a delicate ecosystem. Wildlife—deer, elk, and native cutthroat trout—will also be adversely impacted.

We also strongly oppose the establishment of a very questionable federal precedent. The only reason this site has been selected is because the land in question is being obtained free of charge from the federal government. Sound public policy is not well served by the transfer of valuable federal assets without consideration in a time of large deficits.

Finally, we seek only that this matter be studied carefully before Congress acts. There is no need to "rush to judgment" here. The area in question has been protected by Congress for over seventy years as a critical watershed. Before obliterating this gem of a valley, we ask that you obtain from government professionals an environmental assessment of the impact development will have.

We have prepared for your consideration several enclosures* to this letter that will provide further relevant information for your consideration. Please review the maps enclosed with this letter. Idaho is a large state with vast federal holdings. If free land is what the city and state need to build this penitentiary, many other and better choices exist.

Once again, we thank you for the opportunity to share with your subcommittee our opposition to this proposal.

Very truly yours,

GARY T. DANCE.

---

PARK PRICE,
*Pocatello, ID, May 26, 1991.*

Hon. STEVE SYMMS,
*U.S. Senate, Washington, DC.*

DEAR SENATOR SYMMS: I am writing you to thank you for your sponsorship of legislation to expand the allowed uses of the Cusiak Creak/City Creek area to enable Pocatello to permit the construction of the women's prison on that site. The vast majority of the citizens of Pocatello support this project, and for good reason.

When I was 5 years old, our family moved to Pocatello in 1947. I have a deep love for this community and want to see its beauty preserved, but also to see it progress.

I don't know if you have walked the proposed site as I have. I played in that area as a youngster. Even then, there was nothing pristine about it. There have always been city facilities in that area such as water reservoirs, gas lines, electric lines, etc. I visited the area again when the location was proposed for the prison site and nothing much has changed. The open reservoirs now lay abandoned with parts of fencing crumbling around the perimeter.

Pocatello has struggled mightily over the years to overcome economic stagnation. We just recently have had some success in attracting new businesses. When Kraft closed its operation, the Department of Commerce and the Governor went to bat for us and attracted Ore-Ida to take over the plant. We also attracted Domsea, a division of Campbell Soup Company, to relocate its fish processing plant from Washington state. Ceratile, a large tile manufacturing company, began operation at Gateway West (the former Naval Ordinance Plant location). Unfortunately Domsea is being closed due to Campbell's decision to get out of the fish processing business and Ceratile is now in bankruptcy.

Pocatello desperately needs some stable industries to support the small businesses in Pocatello. The women's prison will provide just such stability. Just think of the major employers we now depend on. Gould/AMI Semiconductors is on excellent employer, but is in a very cyclical and competitive business. The same can be said of Simplot, FMC and Union Pacific railroad. The only stable major employer we have is Idaho State University.

I just recently made the decision to remodel and expand our current dealership facility. The cost will be around $1.4 million and will begin within the next two weeks. I made this decision on the basis that Pocatello has a bright future, even given its cyclical industries. I believe we have a progressive community and leadership and have forged a good relationship with state government.

I fear for the success of this fragile relationship should this important project be blocked by a small, but vocal, minority. Governor Andrus has made a special effort to support our efforts to locate the prison here. I can tell you if our community loses this project and gains the reputation as a difficult community in which to locate, it will set us back 20 years. I would also fear for the success of our business. We have spent 41 years in Pocatello and the efforts of two generations and 45 jobs are dependent on Pocatello continuing to attract new businesses and jobs. There is no other way for us to pay for this substantial investment.

I currently live at 1972 E. Bonneville which is on the east bench of Pocatello. The ISU Mini Dome is just two blocks from our house. I look at it every day. The prison will be much farther from the residences on the West Bench and will be more aesthetically pleasing. Should I look to the east, I see Pocatello Regional Medical Center just up the hill. This area is actually much more "pristine" than the proposed prison site. Just think where Pocatello and it citizens would be if the mini dome or PRMC were not there. There are always trade-offs in economic development and the Cusick Creek prison location is clearly an acceptable one.

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* Retained in subcommittee files.

Finally, this site was not chosen without a thorough study of the alternatives. The Cusick Creek/City Creek site has been approved by our City Zoning Commission and has the support of the City Council and the Mayor.

As you know, the "silent majority" is reluctant to speak. They are always looking to its leaders to protect them. Yet the dissidents are unafraid to speak and therefore appear to represent the community feeling. Nothing could be further from the truth. We appreciate your support of this legislation and urge you to lobby your colleagues to do the same. The citizens of Pocatello are much indebted to you for your support.

Sincerely,

PARK PRICE III,
*President.*

---

WARD, MAGUIRE & BYBEE,
*Pocatello, ID, May 31, 1991.*

*Public Lands Subcommittee,*
*Senate Committee on Energy and Natural Resources, Dirksen Senate Office Bldg., Washington, DC.*

Re: Bill to Release Land in Cusick Creek from BLM Restrictions.

DEAR PUBLIC LANDS SUBCOMMITTEE: I am a resident of Pocatello, Idaho. The City of Pocatello has received the award of a prison site. The proposed location is on property owned by the City of Pocatello, but subject to certain B.L.M. restrictions concerning its use.

We urge the Public Lands Subcommittee to rescind the deed restrictions limiting the use of the property so that it may be used for a prison.

Sincerely,

DAVID H. MAGUIRE.

---

WARD, MAGUIRE & BYBEE,
*Pocatello, ID, May 31, 1991.*

*Public Lands Subcommittee,*
*Senate Committee on Energy and Natural Resources, Dirksen Senate Office Bldg., Washington, DC.*

Re: Bill to Release Land in Cusick Creek from BLM Restrictions.

DEAR PUBLIC LANDS SUBCOMMITTEE: I am a resident of Pocatello, Idaho. The City of Pocatello has received the award of a prison site. The proposed location is on property owned by the City of Pocatello, but subject to certain B.L.M. restrictions concerning its use.

We urge the Public Lands Subcommittee to rescind the deed restrictions limiting the use of the property so that it may be used for a prison.

Sincerely,

MARTIN R. WARD.

---

OFFICE OF THE MAYOR,
*Pocatello, ID, May 28, 1991.*

DAVID BROOKS,
*Public Lands Subcommittee, Committee on Energy/Natural Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. BROOKS: Please express our support of the Idaho legislative delegation's bill (H.R. 1448) due to be introduced to the Public Lands Subcommittee.

This legislation would allow the City of Pocatello to utilize a small portion of Section 2, T.7S., R.34E, Boise, Meridian for the expected construction of the Idaho Women's Correctional Facility. The remaining land will remain available for recreational and environmental pursuits.

We hope that the Committee will support our request in an expedient manner. Please contact me if I can provide any further support of our request.

Sincerely,

PETER J. ANGSTADT,
*Mayor.*

BANNOCK DEVELOPMENT CORPORATION,
*Pocatello, ID, May 30, 1991.*

Hon. DALE BUMPERS,
*U.S. Senate, Washington, DC.*

DEAR SENATOR BUMPERS: This letter is written in support of S. 663 which I understand has been introduced before the Subcommittee on Public Lands.

If S. 663 becomes law as proposed, amending the Act of May 12, 1920, which granted certain lands to the City of Pocatello for conserving and protecting its water supply, the City would then act on a recommendation to zone the property for use as "Public Lands/Facilities". Background on this issue is attached.

The above action would permit use of a portion of Section 2, T.7S., R.34E, Boise Meridian, for the proposed Idaho Women's Prison, a $10 million facility which would have an annual payroll of over $2 million. Local residents, both public and private, have worked hard during the past year to attract this facility to Pocatello for the economic benefits it will bring to the community. Governor Andrus is among those supportive of locating the proposed facility in Pocatello.

In the past six years the annual unemployment rate in Pocatello has been above 6% in all years but one (1989) and exceeded 10% in 1986. As the economic development representative of the City of Pocatello and Bannock County, I urge the Subcommittee to favorably consider S. 663, understanding (a) that the City will safeguard the land by its zoning, (b) that this community needs the economic benefits which the proposed project will bring, and (c) that our public officials have worked hard to have Pocatello selected for this project.

Cordially,

THOMAS A. ARNOLD,
*Executive Director.*

[Attachment.]

RECEIVED
MAY 21 1991
RHS/POCATELLO

# BACKGROUND NOTES ON WEST BENCH LAND
# CITY OF POCATELLO

## Original Conveyance:

On May 12, 1920, Congress passed legislation entitled "An Act to grant certain lands to the City of Pocatlelo, State of Idaho, for conserving and protecting the source of its water supply." (41 Stat. 596) This Act allowed the conveyance of up to 4½ sections of land in Bannock County (Section 3, 4, 9, 10, and the West 1/2 of Section 2 in Township 7 South, Range 34, East, Boise Meridian) to the City, upon payment of $1.25 per acre. Subsequently the City purchased a total of three and one-half Sections (Sections 3, 9, 10, and the West½ of Section 2) and received Patents to this land (Patent Nos. 879933 & 970072) The patents and the Act contain clauses allowing the Secretary of the Interior to take steps to reclaim the land for the United States government if the land is not used as specified. The land was never intended to be set aside for game or wildlife conservation, nor for public recreation, nor for preservation of open spaces, nor for residential use as the plain language of the Act and patents show.

## Location and Zoning:

Section 2 is the only part of the lands purchased which lies within the City limits of Pocatello. It is also the only piece of land within the City limits which heretofore has been unzoned. Zoning has not been necessary until now because the Act and the patents provide the land-use restrictions ordinarily set by zoning ordinance. (The land within Bannock County would be subject to county ordinances.) Absent an assigned zoning district, this Section has no restrictions on the uses allowed on it, EXCEPT FOR those restrictions contained in the patents and the Act.

## Prohibition on Other Uses:

The current federal restrictions prohibit the use of this land for any purposes except those directly related to the conservation and protection of the source of the City's water supply. Thus, NO USES BY THE PUBLIC ARE ALLOWED including hiking, horseback riding, sightseeing, camping, building, driving, or even public utility lines or easements unless needed for the water system, nor would any development or sale of the land for residential or commercial purposes be allowed. However, under these restrictions and with the lack of zoning, the City itself is permitted to build any size or type of structure needed for delivery or safeguarding of the water system.

## Current Use/Facilities:

The City currently uses the lands for water storage tanks, pump stations and transmission lines to the main townsite as well as a residence for the caretaker of the reservoir and access roads as needed. The City has recently been informed that some citizens have taken the liberty of using the lands for hiking/backpacking and so forth without permission, but the City does not authorize or approve such uses since they do not meet the criteria of the Act & patents.

## REQUEST BY THE CITY

The City would like to be able to use some of the land it has purchased for other public purposes and facilities, providing that the uses do not interfere with the protection of the water delivery system. If the restrictions imposed by the land grants are modified as has been requested by the City, it would be essential to establish a land-use zone for the area in order to provide specific control over the types of public facilities allowed. In accordance with Idaho law, the City is currently conducting preliminary public hearings for the establishment of such a zoning district for "Public Lands/Facilities." See the attached proposal for the zoning ordinance wording. Note that no ordinance will actually be passed if the federal restrictions are not modified.

Public input: The City has set two public hearings on the proposed zoning, the first before its Community Development Commission on April 24 and the second before the City Council on June 6, 1991. The local newspaper has published the proposed changes extensively, and the public have been quite vocal in their responses. Council members have received numerous phone calls in addition to input at the public hearing. The hearings, by statute, are for comment on the proposed zoning and map changes, which are dependent upon the outcome of the requested Congessional Act. In fact, however, the exact placement of the proposed prison facility has been the main topic of those people who have presented testimony or given comments.

## PUBLIC LANDS/FACILITIES - SPECIAL USE DISTRICT

PURPOSE
A public lands/facilities district is established as a special use district because of the general civic need to reserve area in Pocatello which will accommodate, often extensive, public infrastructure deemed to be of local, regional, state or national importance. As a result of the potentially large size and unique operational characteristics of certain public facilities, and their attendant impacts on other property and the natural environment, all site development proposals shall require specific approval from the city council only after review and recommendation has been received from the community development commission. All uses within this district shall be designed and built in a manner so as to minimize any dangerous, injurious, noxious or otherwise objectional fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area.

EXTENT
The public lands/facilities district shall be depicted on the official zoning map encompassing Section 2, T.7 S., R.34 E., B.M.

PERFORMANCE REQUIREMENTS
All new construction within the public lands/facility special use district shall conform to the following:

1. All building permits for new construction shall include completion of all public utilities and streets as may be specified by the City Engineer.
2. Existing natural vegetation shall remain unaltered and protected for all areas not needed for buildings, parking, vehicle circulation, and recreation or landscaped areas.
3. Surface runoff from development sites shall not serve to increase downstream flooding above levels historically experienced. Erosional and depositional features such as gullies and accumulations of silt, attributable to site development, shall not be permitted to occur.
4. No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at any point beyond the lot line.
5. All noise shall be muffled so as not to be objectional due to intermittence, beat, frequency or shrillness. Mechanical equipment must be located or screened to limit sound transfer to residential land.
6. Loading and delivery entrances, openings in buildings and activity centers shall be located away from residential areas or shall be screened to prevent intrusion of the activities in to such residential areas.
7. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the

health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

8. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas.

9. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

10. Signs shall comply with the standards as set forth in the Neighborhood Commercial & Professional District.

Vol. 36, p. 455.
*Provisos.*
Lands affected.
Minimum price.

relating to the sale at public auction of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to lands within the portion of the Fort Berthold Indian Reservation, North Dakota, opened under the Act of June 1, 1910 (Thirty-sixth Statutes at Large, page 455): *Provided*, That the provisions of this Act shall not apply to lands which are not subject to homestead entry: *Provided further*, That purchasers of land under this Act shall pay for the lands not less than the price fixed in the law opening such lands to homestead entry.

Approved, May 10, 1920.

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May 10, 1920.
[H. J. Res. 80.]
[Pub. Res., No. 41.]

CHAP. 179.—Joint Resolution To correct an error in the wording of the appropriation of $71,000 made in the Act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto.

Mexican border disturbances, 1911.
Payment to heirs, etc., of American persons killed by.
Vol. 40, p. 865, amended.
Vol. 37, p. 641.
Allotment to wounded persons, etc.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, directed to pay or cause to be paid out of the $71,000 heretofore appropriated by the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, the sum of $42,000 to the heirs, executors, or representatives, or parties entitled to receive same for the deaths of those ascertained and reported by the commission appointed under the terms of joint resolution of August 9, 1912, and that he be further directed to pay out of said $71,000 so appropriated the remaining sum of $29,000 to those wounded, or to their heirs or proper legal representatives, the said sums of $42,000 and $29,000 to be paid to the proper parties in the respective amounts as found and reported and set forth on page 20 of said House Document Numbered 1168, Sixty-second Congress, third session.

Approved, May 10, 1920.

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May 12, 1920.
[S. 2528.]
[Public, No. 202.]

CHAP. 181.—An Act To grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply.

Public lands.
Grant to Pocatello, Idaho, to protect water supply.
Description.
Price.
*Provisos.*
Legal rights protected.
Mineral deposits reserved.
Use restricted.
Reversion for nonuse.

Last report filed 2-11-44

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Pocatello, in the county of Bannock, and State of Idaho, certain adjacent public lands described as west half of section two and all of sections three, four, nine, and ten, or such portions thereof as said city may select, in township seven south, range thirty-four east, Boise meridian, in said county and State, containing two thousand eight hundred and eighty acres, upon the payment of $1.25 per acre for the land selected, to have and to hold said lands for the conservation and protection of the source of the water supply of said city: *Provided*, That the grant hereby made is, and patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States: *And provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same; and that the lands hereby authorized to be conveyed as hereinbefore set forth and all portions thereof shall be held and used by or for the said grantee for the purpose herein specified; and if the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this Act: *And provided further*, That said grantee shall within two years from the passage of this Act make its selection and entry of the land and make use thereof for the purposes herein specified, and the grant herein is made upon the express condition that the mayor of the city of Pocatello shall, on or before January 10 of each year after the expiration of said two years, submit report to the Secretary of the Interior as to the use made of the land herein granted during the preceding calendar year, showing compliance with the terms and conditions stated in this Act, and that in the event of his failure to so report, or in the event of a showing to the Secretary of the Interior that the terms of the grant have not been complied with, that the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

Time limit for selection, etc.

Annual report of use, etc.

Recovery for noncompliance with terms.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to cause the east half of section two in township seven south, of range thirty-four east, Boise meridian, to be surveyed, appraised, and disposed of under section 2381, United States Revised Statutes.

Disposal, etc., of townsite lots adjoining.

R. S., sec. 2381, p. 436.

Approved, May 12, 1920.

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May 12, 1920.
[H. R. 13227.]
[Public, No. 203.]

CHAP. 182.—An Act To authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in commemoration of the three hundredth anniversary of the landing of the Pilgrims there shall be coined at the mints of the United States silver 50-cent pieces to the number of three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

Landing of the Pilgrims.

Silver 50-cent pieces to be coined in commemoration the tercentenary of.

Number.

Legal tender.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Coinage laws applicable.

*Proviso.*
No expense for dies, etc.

Approved, May 12, 1920.

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May 13, 1920.
[H. R. 13[illegible].]
[Public, No. 204.]

CHAP. 183.—An Act Granting the consent of Congress to Sid Smith, of Bonham, Texas, for the construction of a bridge across the Red River between the counties of Fannin, Texas, and Bryan, Oklahoma.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby granted to Sid Smith, of Bonham, Texas, and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, from a point on its south bank northeast of Elwood, Fannin County, Texas, to a suitable point on the north bank of Red River lying in a northerly direction from said beginning in the

Red River.

Sid Smith may bridge, between Fanning County, Tex., and Bryan County, Okla.

05-29-91 09:09 AM FROM SEN CRAIG-POCATELLO TO D. C. P02
05/28/91 17:01 ☎208 233 1010 GATE CITY BH&G 002

GATE CITY Real Estate Co.-Pocatello, Inc. Better Homes and Gardens
804 E. Center, P.O. Box K, Pocatello, Idaho 83201 Telephone (208) 233-6821

May 24, 1991

To: Public Lands Subcommittee
Senate Committee on Energy & Natural Resources
308 Dirksen Senate Office Building
Washington, D.C. 20510

Please support Senator Craig's bill to release land in the Cusick Creek area from BLM restrictions.

The area is not now, and has not been, pristine for many years. There are abandoned water reservoir's, abandoned buildings, remnants of many beer parties (that must be the wildlife referred to by the environmental groups) and is just one of many sage brush covered hillsides in the Pocatello area. A well designed prison would NOT be a detriment aesthetically or as regards property values.

I urge your strong support of Senator Craig's bill to release this land for an environmentally and economically sound project for the Pocatello area.

Best regards,

Mari Tusch

Mari Tusch, Associate Broker
Certified Residential Specialist

MT/mn

POCATELLO CHAMBER OF COMMERCE

FIVE YEARS
ACCREDITED

June 3, 1991

The Honorable Larry E. Craig
Federal Building
250 South 4th, Room #216
Pocatello Id 83201

Dear Senator Craig:

Enclosed please find a copy of the ad which appeared in the June 2 edition of the Idaho State Journal. The ad lists the chamber members in support of the women's prison at the proposed site at Cusick Creek. Our survey results were 81% in favor of the women's prison at the proposed site at Cusick Creek, 13% opposed, and 6% in support of the women's prison but not at Cusick Creek.

Our continued support of the new prison site at Cusick Creek remains as shown by our survey. We feel that the majority of the residents of the community have spoken in favor of this project.

Very truly yours,

Judy Hunt

Judy Hunt
President

JH:ekd
encls.

427 North Main, Suite A • P.O. Box 626 • Pocatello, Idaho 83204 • (208) 233-1525

✓ Val

IDAHO STATE JOURNAL, POCATELLO-CHUBBUCK, IDAHO, SUNDAY, JUNE 2, [illegible]

**To the citizens of Pocatello,**
**Chubbuck & Bannock County**
**as well as all other**
**interested parties.**
**We, the people of the**
**Greater Pocatello Chamber**
**of Commerce, support the**
**women's prison**
**at the proposed**
**site at Cusick Creek.**

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This advertisement paid for by the above community businesses and individuals.

NATIONAL COORDINATING COMMITTEE
FOR THE PROMOTION OF HISTORY

NCC

*Administrative Offices:* 400 A STREET SE
WASHINGTON, DC 20003(202) 544-2422

Dr. Page Putnam Miller
Director

**Members**
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May 16, 1991

Senator Dale Bumpers
Chairman
Public Lands, National Parks and Forests Subcommittee
Senate Energy and Natural Resources Committee
U.S. Senate
Washington, DC 20510

Dear Senator Bumpers,

As the Director of the National Coordinating Committee for the Promotion of History, a consortium of over fifty historical and archival organizations, and on behalf of the NCC members, I request that the following statement in support of H.R. 904 and H.R. 1143 be attached to the May 21 hearing record of the Subcommittee on Public Lands, National Parks and Forests.

The historical community, and specifically the American Historical Association and the Organization of American Historians, wishes to express support for H.R. 904, a bill to direct the Secretary of the Interior to prepare a National Historic Landmark theme study on African American history, and H.R. 1143, a bill that directs the Secretary of Interior to prepare a National Historic Landmark theme study on American labor history.

The NCC member organizations support H.R. 904 in its call for a National Historic Landmark theme study on African American history and H.R. 1143 which calls for a National Historic Landmark study in American labor history. In a statement on the study of history recently released by the Organization of American Historians, the point is made that "The history of minority groups is critical to an understanding of the American past as well as the present." The statement also emphasizes that "History involves a continuing process of discovery, of reinterpretation, and of varying and often clashing perspectives." Although the National Park Service did undertake an African American theme study in the mid 1970s, the amount of new scholarship in this area has increased dramatically since then. It is thus appropriate, fifteen years after that study, to build on this new scholarship and to take advantage of the wealth of new expertise and information that now exists on the history and experience of those Americans who trace their origins to Africa. While their has long been an interest in American history in business and labor organizations, the field of labor history is fairly recent and there is a considerable body of recent scholarship that explores various aspects of the work experiences of Americans.

While there may be general agreement both inside and outside the National Park Service concerning the importance of undertaking these two studies, I have sensed opposition within the National Park Service to the proposed requirement in these bills that the Secretary of Interior "shall" enter into a cooperative agreement with one of more with one of more scholarly and public historic organizations to undertake the preparation of the theme studies.

We urge the Senate to keep the language requiring that the studies be prepared by cooperative agreement with outside professionals who are specialists in the respective subjects of study. Projects such as these need to tap into the wealth of experience that exists across the country in the history and experiences of African Americans. While there are many capable historians on the National Park Service staff, specialized scholars who are well grounded in current African American scholarship should do the bulk of the work for these projects.

I am currently the Project Director for the Women's History Landmark study which is a cooperative project of the National Coordinating Committee for the Promotion of History, the Organization of Women Historians, and the National Park Service. I have a PhD in History with a specialization in women's history and am well acquainted with the scholarship in this field. The women's history project is just completing its second year and considerable progress has been made on the dual goals of preparing a comprehensive theme study of women's history sites and completing nomination forms for the designation of specific sites.

One way that the Women's History Project has drawn on the expertise of scholars was to commission their assistance in developing the contextual framework. Since thematic studies are a cornerstone of the National Historic Landmarks Program, we began by commissioning seven scholars with expertise in the specific areas to prepare sub-theme essays on broad themes in women's history, such as women and education and women and politics. These essays incorporated both the most recent scholarship in women's history and knowledge of historic sites associated with women's experiences and contributions. The thematic essays provide a knowledge base and bench marks for evaluating historic properties and sites for their possible nomination to landmark status. Work is currently underway to prepare the essays for publication.

Perhaps the most crucial stage of a historic landmark theme study is the process by which the decision is made on those sites and properties for which nomination forms for landmark designation will be prepared. We first studied the existing National Historic Landmarks which commemorate women's experiences and then developed a schema of seven categories, or sub-themes, of women's experiences and contributions to insure that the sites nominated recognized all aspects of women's lives. The categories of women's activities used in the project are: art, architecture, community, education, politics, religion, and work. The goal was then to identify omissions and to fill in existing gaps in the documentation and commemoration of women's experiences. A concerted effort has been made to identify sites associated not only with famous and exceptional women but also those more representative of their time and place. We then developed a data base of over five-hundred possible sites of consideration. We paid eight specialists in women's history to assist in the winnowing down of this list. Thus drawing on the knowledge of specialists in women's history and using the commissioned essays, the project selected in the first year 24 sites for intensive study. In many cases historians, who were specialists in the particular person or event associated with a property assisted with the writing of the National Historic Landmark nomination form.

I have gone into some detail in describing this process because I think it illustrates the importance of involving specialists in the field. I have gathered that the National Park Service has been very pleased with the cooperative agreement of the Women's Landmark Project. Thus I am puzzled by the National Park Service's resistance to continuing with other theme studies what has been a very fruitful collaborative relationship with the Women's History theme study. The National Park Service needs to be involved to providing advise and reviewing forms, but the survey of sites to be considered and the preparation of nomination forms should be prepared by those with expertise in the specific fields of study.

If you wish more information on how the women's history landmark project has worked and could be a model for the African American and the Labor History theme studies, I would be happy to meet with you or your staff to discuss this matter further.

Sincerely,

Page Putnam Miller, PhD
Director